



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
3 November 2011**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

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

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

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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 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 1 - 22)

5 P0789.11 - FORMER OLDCHURCH HOSPITAL SITE (BLOCK X), ROMFORD

Report to follow

6 P1002.11 - HAROLD WOOD HOSPITAL, HAROLD WOOD, ROMFORD (Pages 23 - 50)

- 7 **P0530.11 - FROG ISLAND, CREEK WAY, RAINHAM** (Pages 51 - 72)

- 8 **L0008.11 & P0529.11 - UPMINSTER COURT, HALL LANE, UPMINSTER** (Pages 73 - 86)

- 9 **P0695.11 - HAYDOCK CLOSE, HORNCHURCH** (Pages 87 - 104)

- 10 **P1162.11 - LANGTONS GARDENS, BILLET LANE, HORNCHURCH** (Pages 105 - 110)

- 11 **P1220.11 - UNIT C, EASTERN AVENUE RETAIL PARK, ROMFORD** (Pages 111 - 122)

- 12 **P1327.11 - THE ALBANY SCHOOL,** (Pages 123 - 132)

- 13 **P1128.11 - 20 PINWOOD ROAD, HAVERING-ATTE-BOWER** (Pages 133 - 148)

- 14 **P1173.11 - 23 WINDERMERE AVENUE, ELM PARK** (Pages 149 - 156)

- 15 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS OUTSIDE STATUTORY LIMITS** (Pages 157 - 178)

- 16 **ENFORCEMENT REPORT - 178 CROW LANE, ROMFORD** (Pages 179 - 188)

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

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INSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-5	P1268.11	Harold Wood	Enterprise House, 34 Faringdon Avenue, Harold Hill, Romford
6-19	P1401.11	Upminster	Former Ruskins Site, land adj St Mary's Lane, Upminster

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WITHIN STATUTORY PERIOD

APPLICATION NO:	P1268.11	
WARD :	Harold Wood	Date Received: 16th August 2011
ADDRESS:	Enterprise House 34 Faringdon Avenue Harold Hill, Romford	
PROPOSAL:	Change of use from B8 with B1 (warehouse with ancillary offices) to A1 (retail) with B1.	
DRAWING NO(S):	HS0611/Sk/002 HS0611/Sk/003 HS0611/Sk/001 HS0611/Sk/004	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reasons: given at the end of the report.	

CALL-IN

This application has been called in by Councillor Lesley Kelly on the grounds that the proposed use creates employment.

RECOMMENDATION

That planning permission is refused.

SITE DESCRIPTION

The application site is a detached warehouse, located on the southern edge of Faringdon Avenue on the corner with Spilsby Road and comprises single storey warehouse buildings with a three storey office building.

The site is enclosed from the public highway by a metal fence with gates. The site is covered in hard standing which provides on site car parking.

The surrounding locality is characterised by warehouse buildings and ancillary offices which create a commercial character.

DESCRIPTION OF PROPOSAL

Full planning permission is sought for a change of use from Mixture of B8 and B1 (storage and distribution with ancillary offices) to A1 with B1 (retail with ancillary offices).

The change of use covers a floorspace of 2810 square metres.

55 parking spaces would be provided on the existing areas of hard standing.

25 full time and 30 part time jobs and 10 additional start up jobs would be created.

No physical alterations to the building are proposed as part of this application.

RELEVANT HISTORY

None

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CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 31 properties. 1 representation has been received, stating the following objections:

- Change of use would increase levels of commercial traffic and pollution.
- Inadequate parking which could impact health and safety of the general public.

The site has been advertised as a major development for a change in use of over 1000 square metres of floorspace and also as being contrary to the relevant policies in the Local Development Framework.

RELEVANT POLICIES

Policies DC9 (Strategic Industrial Locations), DC15 (Locating Retail and Service Development), DC33 (Car Parking), DC36 (Servicing), DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

Policies 2.17 (Strategic Industrial Locations) of the London Plan is also relevant.

STAFF COMMENTS

The issues for staff to consider relate to the principle of development, highway and parking issues and amenity issues.

Principle of Development.

The site lies within the designated Harold Hill Industrial Estate. This is identified as being an Strategic Industrial Location (SIL). Policy DC9 is relevant here which states that acceptable uses in these locations include B1 (b+c), B2 and B8.

It is proposed to change 2810 square metres of B8 floor space (storage and distribution) into A1 (Retail). The existing B1 ancillary offices would be retained.

A1 retail uses are not included within the defined acceptable uses in Policy DC9 and are therefore unacceptable in principle.

Policy 2.17 of the adopted 2011 London Plan promotes the protection and management of SILs. Development proposals within these sites should be refused unless they fall within the broad industrial type activities outlined in paragraph 2.79, which includes industrial, light industrial, storage and distribution uses or where the proposal is for employment workspace to meet the identified needs of small and medium sized enterprises or new emerging industrial sectors or for small scale services for industrial occupiers, such as workplace creches or cafes.

Development within SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities. The London Plan states that these designated areas provide 40% of the total industrial land for London and are therefore highly important to the overall vitality of the capital.

Staff acknowledge that the Draft National Planning Policy Framework states in paragraph 75 that Planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses. However, this is draft policy, that is yet to be adopted or finalised and therefore Staff can only attach limited weight to this given the adopted nature of the LDF Core Strategy and London Plan.

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Policy DC9 provides strict guidance as to acceptable uses in the Industrial estate. Unlike policy DC10 which refers Secondary Employment Areas it does not allow for the demonstration that the site is no longer fit for purpose. However, the applicants have submitted details of vacancy to demonstrate that the site is no longer suitable for industrial uses. Staff acknowledge that the site has been vacant and details have been submitted to show marketing information from December 2010 with little interest from prospective occupiers.

The applicant has also identified sites in the locality, which they consider to be non industrial in use. These include retail units in Camborne Avenue, however, these are located outside of the Strategic Industrial Location and are identified as a minor local parade in their own right.

Staff also acknowledge that nearby planning permission has been given on appeal for the Former Ricon Site for Sui Generis (car sales), which is not one of the outlined B uses in DC9. And that there are other car dealerships in this location, including the BMW, MINI and Volkswagen garages on Eastern Avenue. These, have an element of retail in them, but however, include servicing and MOT facilities.

Policy DC15 refers to the provision of retail and service development in the borough. The presumption in this policy is that retail developments over 200 square metres in floorspace will be located in primary centres. The proposal is for 2801 square metres of retail floor space. DC15 states that Romford has the ability to provide up to 15,000 square metres of retail space with Hornchurch and Upminster providing 5,000 square metres.

Where no sites are suitable or available in the identified centres, then developments should be based in the identified out of town centres, for example Gallows Corner. Where developments are located outside of the out of town centres then a sequential test is required to be satisfied which demonstrates the lack of appropriate sites.

The applicant has stated within their supporting documents that no other alternative sites have been found with the exception of No. 3 Spilsby Road, Harold Hill. This site however, lies adjacent to the application site and is also within the Harold Hill Strategic Industrial Location. This site would also be unacceptable for A1 uses.

The agents have also referred to the application sites limitations for being a useable B2/B8 space by way of the low eaves height, poor internal layout and L shape design and outdated construction. They have stated that these issues would not be relevant for an A1 retail space which is much more flexible in terms of its accommodation.

Approximately 25 full time and 30 part time jobs would be created as part of the proposals, in an area with historically lower employment rates than the rest of the borough. 6 of these jobs would be managerial positions and during start up a further 10 positions would be created during the settling in period with as many of these jobs retain as possible. This creates a maximum of 65 jobs.

In all, a change of use to A1 would therefore be unacceptable in this location. However, the issue of job creation is especially relevant in these economically uncertain times and this issue will be a judgement for Members to debate, balancing this against the firm policy presumption to retain SILs for certain uses.

DESIGN/IMPACT ON STREET/GARDEN SCENE

No physical changes are proposed. Staff acknowledge that the site is vacant and therefore

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creates an element of inactivity in the streetscene. The reuse of the building would therefore contribute to the wider vitality of the area. However, this is not considered justification for a use which is unacceptable in this location.

No details have been provided as to potential signage or shop fronts, and these would require separate consents.

IMPACT ON AMENITY

The nearest residential properties are located to the North West on Camborne Avenue. These are well removed from the site and Staff do not consider that an A1 use would have any significant impact over and beyond the existing permitted B8 use of the site.

HIGHWAY/PARKING

Policy DC33 refers to parking standards. For an A1 use in this location 1 parking space per 30 square metres is required. In this instance, a figure of 93 parking spaces is required.

The existing site has 27 car parking spaces and the plans submitted show that the existing hard surfacing can be re-configured to provide 55 parking spaces (including 3 disabled spaces), equating to a deficit of 38 parking spaces. Objections received have raised concern with regard to the lack of parking within the site.

Representations received from the Highways Authority however, do not raise any objection to this deficit of parking due to the wider benefits that the use of the site would bring to the locality. Given the lack of Highways objection on file, Members may wish to consider if a shortfall of 38 parking space is acceptable.

With regard to servicing policy DC36 is relevant, the site was previously a storage and distribution base and would therefore have had a high level of vehicular activity, particularly with delivery vehicles and other large commercial vehicles.

The supporting documentation submitted indicated that there would be a large reduction in commercial traffic and delivery vehicles with the site needing one delivery a day. This suggests a reduction in overall traffic numbers, however, the use would generate a high level of consumer traffic and Staff traffic, where at present the sites current usage would not permit. Whilst the site is located near to bus stops, it is not in a highly publically accessible zone, unlike other key shopping area in the borough such as Romford. The proposed type of retail is likely to encourage car use to and from the site.

KEY ISSUES/CONCLUSIONS

In conclusion, the creation of A1 floor space is contrary to Policy DC9 of the LDF Core Strategy Development Control Policies DPD and Policy 2.17 of the 2011 London Plan. Staff therefore consider this use inappropriate in this location. However, the proposals would create a mix of employment and this is a judgement for Members to consider.

The proposals also represent a shortfall of 38 car parking spaces and whilst there may be a reduction in commercial traffic, there would be an increase in overall traffic levels, specifically customer traffic levels and consideration needs to be given to the impact this would have upon the highway. Although in the absence of a Highways objection, Members are invited to exercise their judgement.

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It is not considered that there would be any adverse harm to surrounding amenity, however, for the reasons outlined above, it is recommended that planning permission be refused.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the reasons:

1. REFUSAL - Non Standard

The application site is situated within a designated Strategic Industrial Location, where Policy DC9 of the Core Strategy and Development Control Policies Development Plan Document permits only B1 (b&c), B2 and B8 uses. The proposal is not for one of these specified uses and is considered to jeopardise the provision of accessible employment land within the Borough, contrary to the provisions of CP3 and DC9 of the Core Strategy and LDF Development Control Policies DPD and Policy 2.17 of the London Plan.

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APPLICATION NO:	P1401.11	
WARD :	Upminster	Date Received: 13th September 2011
ADDRESS:	Former Ruskins Site Land adj. St Mary's Lane Upminster	
PROPOSAL:	Demolition of existing class B8 warehouse and associated hardsurfaces and erection of three detached dwellings with detached garages and landscaping	
DRAWING NO(S):	10.1428/02 10.1428/01 10.1428/15 10.1428/14 10.1428/13 10.1428/12 10.1428/11 10.1428/10 02/SML/11 10/SML/11 09/SML/11 08/SML/11 06/SML/11 05/SML/11 03/SML/11	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

None

RECOMMENDATION

That permission is granted, subject to conditions.

SITE DESCRIPTION

The site lies to the south of St. Mary's Lane and is bordered by The Chase to the east and a school to the west. North of the site are residential two storey dwellings, and south to the site is open Green Belt Land. The entire site is designated as part of the Metropolitan Green Belt and also part of the Cranham Conservation Area.

The site has gated access from St. Mary's Lane and comprises a detached rectangular shaped building measuring 11.6m deep by 41m wide and finished in green corrugated metal with pitched roof; it is set relatively centrally within the site and borders a car park with access road onto the public highway located on the western edge of the site. There is an additional vehicular access onto the site which is not in use. The site is generally flat, although the building lies directly adjacent to a ditch and there are grassed mounds set to the west of the site which partially screen the building when viewed from the west.

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DESCRIPTION OF PROPOSAL

Planning permission is sought for the demolition of the existing barn structure, removal of existing hard surfacing and the construction of three detached dwellings.

Plot 1 is accessed from The Chase. This is arranged at ground floor with kitchen, lounge, dining room and study. At first floor there are 4 bedrooms, 3 bathrooms. Within the roof space there is a fifth bedroom and bathroom/ dressing room. This dwelling measures a maximum of 15.7m wide, 10.46m deep and 8.7m high.

Plots 2 and 3 are identical with plot 2 accessed from The Chase and Plot 3 accessed from St. Marys Lane. These are arranged at ground floor with kitchen, dining room, lounge and study. At first floor there are 4 bedrooms, 3 bathrooms, storage room and within the roof space there is further bedroom. These measure a maximum of 13.5m wide, 11.4m deep and 9m high. Each dwelling has a defined residential curtilage.

Each dwelling is proposed to have a detached garage, measuring 5m deep, 5m wide and 5.3m high to a fully pitched roof. The garage is arranged as a single room structure with double entrance door and single door on the flank elevation and window to the other.

The existing vehicular entrance, gates and associated signage from St. Marys Lane into the site and and the associated hard standing removed.

The remainder of the site would be returned to open Green Belt and landscaped with native trees. This is labelled as a meadow land on the submitted plans.

This application runs alongside C0003.11 which seeks Conservation Area Consent for the demolition of the existing barn.

RELEVANT HISTORY

C0003.11 - Conservation Area Consent for demolition of existing Barn - currently under consideration

P1810.10 - Retention of exiting fire damaged barn - approved

P1002.06 - Multi purposes driving test centre - refused

P0778.06 - Multi purpose driving test centre - withdrawn

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 31 properties. 2 representations were received in support of the application.

A site notice was displayed advertising a development within the Green Belt and Cranham Conservation Area and is still live. This is due to expire on the 3/11/2011. Any representations received will be reported verbally at the committee meeting.

The Council's Heritage Officer recommends approval of the application.

English Heritage request archaeological investigation conditions.

The Highways Authority have no objections.

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The London Fire Brigade require the installation of a private fire hydrant.

Environmental Health require the submission of a land contamination report.

RELEVANT POLICIES

Planning Policy Guidance Note 2 (Green Belts), PPG3 (Housing), PPS5 (Planning for the Historic Environment) and Policies DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC36 (Servicing), DC45 (Appropriate Development in the Green Belt), DC61 (Urban Design) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

The Adopted Residential Design SPD and Heritage SPD is also relevant.

Policies 3.3 (increasing housing supply), 3.8 (housing choice), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.16 (green belt) of the 2011 London Plan are also relevant.

STAFF COMMENTS

The issues for Members to consider are the impact that the demolition of the existing building and removal of associated hardstanding and construction of three dwellings and creation of open Green Belt land has upon its Green Belt and Conservation Area setting, amenity and highway implications.

Principle of development:

The site is situated within the Metropolitan Green Belt where development is restricted in order to restrict the sprawl of urban settlements, safeguard the countryside from encroachment and preserve the setting and character of historic towns.

PPG2 and Policy DC45 state that planning permission will not be granted for development which has an impact on the openness or character of the Green Belt. Where development is contrary to the provisions of PPG2 and DC45, or where development is judged to be harmful to the character of the Green Belt, the applicant should provide very special circumstances to justify the proposal.

The application site also forms part of Cranham Conservation Area, a historic rural hamlet. PPS5 recognises the value of heritage assets and the wider historic environment and states in paragraph HE7.2 that Local Planning Authorities should take into account and consider the impact of a proposal on the nature and significance of the heritage asset i.e. the Conservation Area. Development should therefore be sympathetic and consider its particular context. LDF Policy DC68 also states that development will only be granted where it preserves it makes a positive contribution to the Conservation Area.

Paragraph 3.2 of PPG2 states that inappropriate development, by definition, is harmful to the character of the Green Belt. New dwellings are not included within the appropriate uses in the Green Belt and are therefore inappropriate in principle. Paragraph 3.15 of PPG2 further states that visual amenities of the Green Belt should not be injured by proposals and care should be taken to minimise the impact of development.

Where proposals include inappropriate development, the demonstration of very special circumstances is required in order to justify the proposals.

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The existing barn has been approved under application reference P1810.10. The proposal here is for the demolition of this barn and for the construction of three detached dwellings with associated garages and landscaping. There is a corresponding Conservation Area application for the demolition of this structure (reference C0003.11).

The proposals constitute inappropriate development. Prior to the appraising of the very special circumstances which are being promoted in this case, the impacts of the scheme must be assessed.

GREEN BELT IMPLICATIONS

The barn is located centrally within the site and is highly visible in the St. Mary's Lane streetscene, where there is little boundary treatment, except for some shrubs and broken sections of fencing. When viewed from The Chase to the east the barn is not visible due to the thick boundary treatment and adjacent property Lodge Cottage. The barn is visible from the agricultural fields to the rear of the site, where there are large gaps in the boundary screening.

The barn is clad in green metal sheeting and is well set back from St. Mary's Lane and therefore is not considered to be intrusive in the streetscene but its sheer size creates a dominance within the site and represents a break in character from the residential and open Green Belt surroundings and creates a commercial character which is out of keeping with the rural locality.

In Green Belt terms, although directly to the south of the site is open agricultural land with clear views; St. Mary's Lane is more developed in character, characterised by a mixture of tightly positioned dwellings. The Chase is rural in character but has cleared defined residential plots to the east towards All Saints Church. Similar, the adjacent school to the west is highly visible and does not form part of the established open character of the Green Belt. The proposals include landscaping to all proposed residential boundaries and frontages and landscaping of the proposed meadow.

The dwellings would be visible from both St. Mary's Lane and The Chase however; Staff consider that for the reasons given below, they would be acceptable and result in an improvement to the openness of the Green belt.

Planning permission has been granted for the retention of the barn. This was previously stated as measuring 35m wide and 10.4m deep. Re-measurements of the barn taken by Officers on a site visit show that the barn actually measures 41m wide and 11.6m deep. This is considerably different from that of the drawings submitted. However, planning permission has been approved for this site and Staff are satisfied that the barn is authorised.

CONSERVATION AREA

The site forms part of the Cranham Conservation Area. This is notable for its open views across the Green belt and its tightly knit group of buildings, including a central group of listed buildings that stem from The Chase. These are All Saints Church (Grade II), railed tomb to the west of the church (Grade II), Cranham Hall (Grade II) and Cranham Hall garden walls (Grade II). Cranham Hall Farm is additionally locally listed.

The existing barn is located at the northern most point of the Conservation Area and marks its entrance from St. Mary's Lane. The Cranham Conservation Area Character Appraisal recognises that the entrance to the Conservation Area is in need of improvement.

Plot 1 is accessed from The Chase. This dwelling is arranged with a central entrance enclosed

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by an open porch with pitched roof. There is a two storey gable projection finished with rendered panels and timber detailing to the first floor. A bay window to the other side of the entrance has a jettied gable first floor, this is also finished in rendered panels with timber detailing. A central dormer set at eaves level sits above the entrance. The main roof is fully hipped and would be finished in hand made clay tiles. Aside from the timber projections the main dwelling is proposed to be finished in red hand made bricks.

The rear elevation has a single two storey projection finished with a hipped roof. The first floor has applied timber detailing, similar to the front elevation. Windows are varied in size and set at different levels to create an element of interest on the property.

Plot 2 and 3 are of an identical design with Plot 2 located from The Chase and plot 3, located from St. Mary's Lane. These dwellings are arranged with a open porch entrance flanked by a two storey hipped roof projection, again finished with timber and white render panels. The front elevation differs in that there are two front dormer windows set on a hipped roof.

The rear elevation is flat with a single storey projection finished with a hipped roof. These dwellings would be finished in the same pallet of materials as Plot 1 and are considered acceptable subject to the submission of samples, which are requested via condition.

In terms of visual amenity, The Chase streetscene is dominated by a heavy line of trees. The western boundary of the application site which fronts onto The Chase is screened by large trees and overgrown vegetation. These in one sense complement the rural character of the Conservation Area, but also appear untidy. The severe lean of the trees into the highway also raises safety issues.

The existing barn creates a commercial character, which although has been accepted, creates a break in character from the rural collection of farm buildings and detached dwellings that create The Chase. Staff consider that the removal of the barn is acceptable as it is no architectural or historical merit. The proposed three dwellings are of an acceptable scale and bulk and would be finished in materials appropriate to the Conservation Area. The removal of commercial traffic and commercial use from the site and introduction of residential dwellings is considered to improve the character of the Conservation Area.

The dwellings represent a reduction in volume over the existing barn. However, in terms of massing the articulated design of the dwellings is considered to reduce their overall impact in their setting.

IMPACT ON AMENITY

The Residential Design SPD gives guidance for residential garden layouts. It does not prescribe fixed space standards however; it does state that gardens should be provided in single, enclosed blocks which benefit from both natural sunlight and shade. Each garden is provided to the rear of the properties and extends down the flank elevations. Staff consider they are of a practical arrangement which meets the requirements of the SPD.

Each dwelling has an orientation with views facing over their respective highway, St. Mary's Lane and The Chase, with rear windows overlooking their gardens. Given the spacing between each dwelling and the inclusion of new boundary screening it is considered that there would be no possibilities for overlooking. First floor windows are proposed to each property. Plot 1 would have a secondary flank window to a bedroom and flank windows to a storage room and bathroom. The bedroom window would overlook the side garden and adjacent agricultural fields

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to the south. This raises no amenity concerns. The bathrooms windows are conditioned so that they are obscure glazed and non-opening with the exception of a top hung fan light.

Plot 2 has a secondary window serving a bedroom and storage room facing north towards Lodge Cottage; given the distance between these properties it is not considered that there would be any invasive overlooking or loss of amenity. The window facing Plot 1 to the south is conditioned as per Plot 1.

Plot 3 is identical to Plot 2 with the secondary bedroom window facing over the proposed open Green Belt. This raises no objection. The bathroom window facing east is conditioned as per Plot 1 and 2.

The supporting statement submitted with the application states that the dwellings will be built to at least Level 3 for the Code for Sustainable Homes.

The nearest property Lodge Cottage, is located 47m east of Plot 3 and 43m north of Plot 2. The site is divided by a boundary wall and mature hedging. This dwelling is located in the far right corner of the site and it is considered that these properties would have no adverse impact to the residential amenity of these occupiers.

Staff recommend that permitted development rights are removed from all three properties (classes A-E) in order that Staff can control any future changes on the site. This will be secured via condition. Permitted development rights for hard surfacing are also proposed to be removed. The Cranham Conservation Area has an Article 4 direction which restricts the installation of fencing or boundary enclosure. Any future proposals for fencing or enclosures would require planning permission.

Representations received from the Crime Prevention Design Advisor state that the garages are not within natural surveillance of the dwellings. The garages are set within the rear gardens and would be visible from the rear windows of the property. This is considered acceptable. Staff are also aware that a relocation of the garages forward into the site would not be acceptable in streetscene terms where the garages are currently subservient structures. A Secured by design condition has been attached accordingly as requested by the CPDA.

HIGHWAY/PARKING

The site has independent access from St. Mary's Lane with an open forecourt south of the building with space for several vehicles. This existing access on the western corner of the site is proposed to be removed and all existing hard-standing taken away from the site.

Plots 1 and 2 would be accessed from The Chase via individual crossovers which would need to be constructed. There is no objection to this.

The existing, unused accessed on St. Mary's Lane would be utilised to form the vehicular entrance for Plot 3. This is considered acceptable and raises no concerns from Staff.

The site has an existing, authorised B8 use (storage and distribution) and whilst conditions imposed upon planning application P1810.10 restrict the number of heavy goods vehicles, there is an element of commercial traffic which arises from the use of the site. Staff consider that the removal of commercial traffic from the site to be desirable.

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OTHER ISSUES

Trees:

The site is screened by a heavy line of trees on the eastern boundary. These were originally covered by a group Tree Preservation Order (ref 11/82). The Council's Tree Officer has stated that the site no longer contains any trees which are listed under original TPO. The young Willows which currently exist are also too small to fall under Conservation Area protection. In any event, there is no objection raised with the removal of these trees as they currently overhang the public highway and will eventually outgrow their current location. The proposals to remove these trees and replace them with native trees and hedging is considered acceptable, as this would open up the highway, whilst retaining the landscaped rural character. A landscape plan will be required to be submitted via condition, to give details of all hard surfacing and soft landscaping including details of all tree species firstly for the residential plots and as a second condition a landscaping scheme for the open area of Green Belt.

Very Special Circumstances:

The applicant has submitted a very special circumstances case in order to justify the proposals. This consists of the following points 1) removal of the commercial barn and hard standing 2) creation of large area of open Green Belt which would be landscaped and 3) three detached dwellings designed to improve the character of the Conservation Area which are of a reduced volume and footprint over the existing barn. These issues will be discussed in turn.

1) Removal of commercial barn and hard standing

The existing barn has authorised B8 (storage and distribution) use. Conditions imposed upon P1810.10 restrict the use of large vehicles on site. However, there is still an element of commercial traffic on site. The use, although established, is out of keeping with the surrounding residential and rural locality. The removal of commercial activity from this site is welcomed in this instance, where Staff recognise that a proposed redevelopment would have an improvement in terms of openness where buildings on the site can be positioned away from the centre of the site.

The residential hard surfacing has been kept to a minimum with each dwelling having a driveway leading to the garage and pathway leading to the front door. Details of this hard surfacing are required to be submitted via condition. The existing hard surfacing is poured concrete which has a harmful impact upon the setting of the Green Belt. The proposed hard-surface is much smaller in area and would be screened along with the dwellings by surrounding planting. The existing hard surfacing measures 2893 square metres. The proposed areas of hard surfacing for all three plots in terms of driveways measures 255 square metres, a reduction of 2638 square metres.

2) Reduction in footprint and volume.

The proposed residential curtilages are located around the existing location of the barn and against the edges of the site where Lodge Cottage is located. The existing barn has a footprint of 476 square metres. The three dwellings total a footprint of 447 square metres (including the detached garages), giving a reduction in built footprint of 29 square metres.

Individually Plot 1 measures 848 cubic metres with Plots 2 and 3 measuring 827 cubic metres.

In terms of volume, the existing barn has a cubic capacity of 3041 cubic metres. The three dwellings have a combined volume (including the detached garages) of 2763 cubic metres. This

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represents a reduction in volume of 278 cubic metres.

Staff also need to consider the area of each proposed residential curtilage, as these will be visible in the streetscene and form part of the loose rural character of The Chase.

Plot 1 covers an area of 1190 square metres and is located off The Chase and the dwelling is set back 11.4m from the highway.

Plot 2 covers an area of 1155 square metres is also accessed from The Chase, the dwelling here is set back 21.8m from the highway.

Plot 3 covers an area of 1107 square metres and is located from St. Marys Lane and would reinstate the existing unused access. The dwelling here is set back from the highway by 16.8m. All three plots are rectangular in shape. Each dwelling is arranged with large front gardens, each would be landscaped with hedgerows and other trees. This over time, once the landscaping matures will soften the impact of the dwellings.

Each dwelling is inset from the site boundaries and would be surrounded by open landscaped gardens. Each boundary is enclosed by hedging. This is a soft enclosure which is typical of the Cranham Conservation Area. As the hedge matures additionally, it will soften the impact of the dwellings.

Residential curtilages are typically very large along The Chase. Lodge Cottage for example is located directly adjacent to the site; this has a residential curtilage covering 2001 square metres for example. The proposals here are for smaller curtilages; however, this is in order to allow for a larger area of open Green Belt land to be retained. The dwellings are located centrally in their plots with spacing to the boundaries. Staff are of the opinion that the size of the curtilages is acceptable and in keeping with the general spacious character and layout of dwellings in The Chase.

Directly opposite in St. Marys Lane dwellings are markedly different in character, typified by bungalows and two storey dwellings in an established suburban layout. These dwellings are located outside of the Conservation Area and Green Belt.

3) Creation of open Green Belt land.

This site marks the beginning of the Green Belt and Cranham Conservation Area and represents the significant change in character from the built up suburban core of Upminster to the rural farmland of Cranham. The site is therefore highly significant in creating the change in character.

The site has an area of approximately 15500 square metres or 1.5 hectares. An area of 11500 square metres would be set aside to create an open area of Green Belt. This would be arranged in a single land parcel.

The three dwellings would be positioned to the sites boundaries on the eastern edge of the site, adjacent to Lodge Cottage and up against the highway.

The existing site is dominated by the barn structure and the ancillary hand-standing. The area of vegetation and grassland are in poor condition and overgrown. The overall site therefore is not considered to positively contribute to the open character of the Green Belt or Conservation Area.

The proposed open area would cover the majority of the site and dominate the view when

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approached from Upminster town centre to the west and when viewed from the agricultural open fields to the south. When approached from the east the adjacent property Lodge Cottage and overhead railway bridge dominate the view, however once past this the poor quality of the existing landscaping detracts from the locality. The landscaped and tidied up open area would significantly improve the appearance of the locality and reinforce the divide between the suburban core of Upminster and the rural nature of Cranham.

The area of retained open Green Belt would measure approximately 11500 square metres with the residential plots measuring a combined 3452 square metres. This open area of Green Belt would be the dominant feature on the site and landscaped to ensure that it enhances the rural character of the Conservation Area.

In conclusion of the very special circumstances submitted, Staff consider that the proposals would have a significant improvement in terms of openness which in turn would improve the character of this part of the Green Belt. There would be a reduction in existing volume and hardstanding over the existing structure and the gain of a large area of landscaped Green Belt land.

KEY ISSUES/CONCLUSIONS

Staff consider that the very special circumstances case submitted is acceptable. There would be a removal of commercial activity from site and a gain in open Green Belt land which would be landscaped with native tree species. The proposed three dwellings are of an acceptable design which is considered to preserve and enhance the quality and character of the Cranham Conservation Area. In terms of openness the built form is located to the peripheries of the site with a combined reduction in footprint and volume over the existing barn.

The site would remain sufficiently screened by vegetation which reinforces the rural character of The Chase. There are not considered to be any adverse highway or amenity implications arising from the three dwellings. 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.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. SC05A (Number of parking spaces)

Before the building(s) hereby permitted is first occupied, provision shall be made for 6 x No. off-street car parking spaces for use by Plot 1, 2 and 3 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. S SC08 (Garage) - restriction of use

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5. M SC59 (Cycle Storage)

6. SC46 (Standard flank window condition)

7. SC34B (Obscure with fanlight openings only)

The proposed following windows shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

1) First floor flank windows to en-suite bathroom on Plot 1.

2) First floor flank windows serving we-rooms to Plots 2 and 3.

Reason:-

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

8. M SC45A Removal of permitted development rights

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

Reason:-

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

9. S SC58 (Storage of refuse)

10. M SC62 (Hours of construction)

11. M SC63 (Construction Methodology)

12. 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

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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.

13. Non standard condition

Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned 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 residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the Development Control Policies Development Plan Document Policy DC61.

14. Non standard condition

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 by the applicant and approved 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

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out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason:-

The development of this site may affect archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the archaeological evaluation of the site. This design should be in accordance with the appropriate English Heritage guidelines.

15. Non standard condition

The roof lights permitted shall be in a conservation style.

Reason:-

To preserve the character and appearance of the Cranham Conservation Area.

16. 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 samples of hard surfacing to be used in the driveways and pathways for Plots 1,2 and 3.

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.

17. Non standard condition

Before any of the development hereby permitted is commenced, detailed drawings or samples as appropriate, in respect of the following shall be submitted to, and approved by the Local Planning Authority and thereafter the development shall be constructed with the approved materials and details.

- a) roof tiles
- b) windows and doors
- c) rainwater goods
- d) render and weatherboarding
- e) bricks

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.

18. Non standard condition

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 for Plot 1, 2 and 3, 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

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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.

19. Non standard condition

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the open area of Green Belt 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.

20. Non standard condition

The existing building shall be demolished and the existing hard surfacing taken up in its entirety and the materials arising therefrom fully removed from the site prior to the commencement of the development hereby approved.

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.

1 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC36, DC45, DC61, DC63, DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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1. The applicant is advised that the London Fire Brigade require the developer shall install a private fire hydrant within the site, to the front of Plot 1. This hydrant is to be numbered P112058 and will conform to BS750: 1984 and be indicated with a hydrant indicator plate conforming to BS3251:1976. Upon completion of works, this fire hydrant the surrounding areas should meet flush with the hydrant's frame and cover and the pit should be clear of any debris.

 2. In aiming to satisfy condition 13 The applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the policy of the Local Planning Authority to consult with the Borough CPDA in discharging of community safety condition(s)
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**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 November 2011

Subject Heading:

P1002.11 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 26/05/2011)

Proposal

Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping (Revised plan received 18/10/2011)

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context

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

Financial summary

None

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

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

SUMMARY

Members will recall that the Committee resolved to grant planning permission for the redevelopment of the former Harold Wood Hospital site at its meeting of 28 October 2010 subject to the prior agreement of a S106 legal undertaking. The legal process now close to conclusion and may well have been completed before this application is considered. Members have previously considered full applications for the construction of the spine road and Phase 1a of the residential development. The applicants are keen to ensure that construction can start on the whole of Phase 1 at the earliest opportunity following the completion of the legal agreement and a detailed application for the second 68 unit element of the first phase of the redevelopment has therefore been submitted.

Staff consider that the development would accord with the relevant policies in the Local Development Framework and site specific policy SSA1 in the adopted LDF.

It is concluded that the development is acceptable and that planning permission should be granted subject to the imposition of appropriate planning conditions and either the prior completion of the Section 106 Agreement related to P0702.08 which would also relate to this application, the Heads of Terms of which are set out in Annex 1 or a variation to that Agreement to ensure that this application is tied to the original S106 and its requirements .

RECOMMENDATIONS

That the Committee resolve that the application is considered unacceptable as it stands but it would be acceptable subject to:

- a) The applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) (the 1990 Act) to secure the Heads of Terms set out in Annex 1 as required under planning application P0702.08 or a variation to that agreement under section 106A of the 1990 Act to secure the same result.
- b) That staff be authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the following conditions:
 1. SC04 The development to which this permission relates must be commenced not later than three years from the date of this permission.

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

2. SC06 - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

3. SC08 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

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

4. SC09 - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) and other structures 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.

5. NSC01 - The scheme of hard and soft landscaping approved by Drawing No X00333-PL-L18 Rev A 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. NSC02 - The Landscape Management Plan approved as part of this permission shall be implemented in accordance with the Plan following completion of the soft and hard landscaping and shall be carried out and complied with 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.

7. NSC03 - The scheme for the protection of preserved trees on the site as detailed on Plan X00333-PL-L17 Rev A shall be implemented and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

8. NSC04 - Prior to the commencement of development a scheme for the biodiversity enhancement measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

Reason: To ensure that opportunities for biodiversity enhancement are incorporated into the development in accordance with Development Control Policies Development Plan Document policies. DC58 and DC59

9. SC13 - Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected along the northern boundary of the site and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

10. NSC05 - Prior to the commencement of development details to show how secure cycle parking is to be provided for each property shall be

submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of construction of the storage areas, making provision for a minimum of one space per residential unit. Cycle storage facilities shall be provided in accordance with the approved details for the relevant dwelling prior to its occupation. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys.

11. NSC06 - Before any development is commenced a sewage impact study shall be undertaken to assess the existing infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point. It shall include for the avoidance of doubt a timescale for the implementation of the measures identified as necessary. Such study shall be approved by the Local Planning Authority in consultation with Thames Water and any necessary works implemented in accordance with the recommendations and timescale of the approved study and retained permanently thereafter.

Reason: To ensure that the foul water discharge from the site is not prejudicial to the existing sewerage system and to prevent sewage flooding.

12. NSC07 - Development shall not commence until a drainage strategy detailing any on and/ or off site drainage works and a strategy for its provision has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker and the Environment Agency. No works which result in the discharge of foul or surface water from the site shall be commenced until the on/and or off site drainage works and connections for the relevant phase of the works have been completed.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system, to prevent the increased risk of flooding, and in order that the development accords with Development Control Policies Development Plan Document Policy DC51 and PPG 25 "Development and Flood Risk".

13. NSC08 - Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and a strategy for its provision, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, swales, permeable paving, green / brown roofs and storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of surface water discharge rates for the site (catchments 1-3).
- Confirmation of the critical storm duration.
- Where on site attenuation is achieved through attenuation ponds, storage in permeable paving, green / brown roofs and underground storage tanks calculations showing the volume of these are also required.
- Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

Reason: To prevent the increased risk of flooding to the site and third parties and to improve and protect water quality and improve amenity and habitat and in order that the development accords with Development Control Policies Development Plan Document policies DC48 and DC51 and PPG 25 "Development and Flood Risk".

14. NSC09 - Prior to the first occupation of any of the buildings of the development such hydrants as required by the LFEPA shall be provided in accordance with the LFEPA's requirements and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

15. NSC10 - Prior to the commencement of development, details shall be submitted to, and approved in writing by the Local Planning Authority, to show how all residential units in the development will meet water efficiency standards. Development shall proceed in accordance with the approved water efficiency plan which shall set out a schedule for implementation.

Reason: The development is located in an area of serious water stress as designated by Department for Environment, Food and Rural Affairs. This condition is required to ensure water is used wisely and

no additional burden is placed on the existing resources. This condition is supported by London Plan, Policy 4A.11 Water Supplies. A maximum water target of 105 litres per person per day should be applied in line with Level 3 in the Code for Sustainable Homes.

16. NSC11 - Prior to the commencement of development the developer shall provide a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with DC49 Sustainable Design and Construction and Policies 4A.7 of the London Plan.

17. NSC12 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 Development Control Policies Development Plan Document policy DC61.

18. SC63 Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers.

The Construction Method statement shall include details of:

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

Authority;

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.

19. NSC13 - Prior to the commencement of development including demolition and site preparation, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during demolition, site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site from the inception of any development activity including for the purposes of this condition site preparation, demolition and throughout the course of construction works.

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

20. NSC14 - Prior to the commencement of development a scheme for the re-use and recycling of materials arising from the demolition of buildings currently on the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme prior to the first occupation of the development.

Reason: In the interests of sustainable waste management

21. NSC15 - Save for the specification for the street light columns and lanterns included in Drawing No. X00333-PL-L18 and D120384-2100 all works for the development shall be carried out in full accordance with the approved plans, drawings, 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 or those subsequently approved. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC32.

22. NSC16 - Prior to the first occupation of the development hereby approved, provision shall be made for the storage of refuse / recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details for the development prior to occupation of the development hereby approved.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and locality general, and in order that the development accords with Development Control Policies Development Plan Document policy DC40 and in the interests of sustainable waste management.

23. NSC17 - Prior to the commencement of development adjacent to the Spine Road, a scheme detailing the measures to be taken to protect occupants of properties adjacent to the Spine Road from road traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall give details of double glazing and passive acoustic ventilators on affected facades. The scheme shall be fully implemented in each dwelling before the occupation of the relevant residential units and shall be permanently retained thereafter.

Reason: To protect future residents against the impact of road noise in accordance Development Control Policies Development Plan Document policy DC61 and DC55, and Planning Policy Guidance Note PPG24, "Planning and Noise."

24. NSC18 - 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 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

25. NSC19 - Prior to the commencement of the development hereby approved a scheme shall be submitted in writing providing details of how the car parking provided shall comply with Secured by Design standards. 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 full accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'Design' LBH Core Strategy DPD) and DC63 'Delivering safer places' LBH Development Control Policies DPD, and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

26. NSC20 - Prior to the commencement of the development the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

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

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

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

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

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

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

- 27 NSC21 – The proposed second floor rear windows in the Northern Mews semi-detached houses identified as plots 1 to 14 and the proposed north facing windows in the detached house identified as plot 39 on Drawing No. 1B-000-DR-411-202 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

INFORMATIVES

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Streetcare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this

does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

3. The developer should ensure that highways outside the site affected by the construction works are kept in a clean and tidy condition otherwise action may be taken under the Highways Act.
4. The applicant or nominated contractor is encouraged to apply to the Local Planning Authority's Environmental Health Service for a consent under Section 61 of the Control of Pollution Act 1974 in order to control the impact of noise and vibration associated with the construction work.
5. In aiming to satisfy conditions 24 and 25 the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). 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.
6. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
7. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
8. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.
9. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.

10. Reason for Approval

This decision to grant planning permission has been taken

- i) having regard to Policies CP1, CP2, CP7, CP8, CP10, CP9, CP10, CP12, CP15, CP16, CP17, CP18 of the LDF Core Strategy Development Plan Document; Policies DC2, DC3, DC6, DC7, DC20, DC21, DC27, DC29, DC30, DC32, DC33, DC34, DC35, DC49, DC50, DC51, DC52, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC67, DC70, DC72 of the LDF Development Control Policies Development Plan Document; Policy SSA1 of the LDF Site Specific Allocations Development Plan Document; Policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 6.14, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 and 8.2, of the London Plan 2011, PPS1 'Delivering Sustainable Development', PPS3 'Housing', PPG13 'Transport', PPS22 'Renewable Energy', PPS25 'Development and Flood Risk'.
- ii) for the following reason: The proposed development would be in accordance with the aims and objectives of the site specific policy by providing the second element of the first phase of a residential redevelopment of the site. The proposal would provide both market housing and affordable housing and would relate satisfactorily to its surroundings and neighbouring development and can be accommodated on the site without any materially harmful visual impact or any significant adverse impact on residential amenity. The proposal incorporates sufficient private amenity space within a development of high quality design and layout. The impact arising from residential traffic from the development would be acceptable within the locality. The proposal meets the objectives of national, regional and local policies by being sustainable development making efficient use of land and providing residential development with easy access to facilities without adverse impact on residential amenity. Whilst the development would have a variety of impacts it is considered that these can be satisfactorily addressed by conditions and the planning obligation for the Outline Permission to which this application will be related.

REPORT DETAIL

1.0 Site Description

- 1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.
- 1.2 The hospital site is of irregular shape and currently covers an overall area of approximately 14.58 hectares. This application covers an area of 1.28 hectares in the northern part of the former hospital site to the south of no's 51 to 61 The Drive and 150 to 172 Sackville Crescent in the location of the former Energy Centre, Chapel and various single storey hospital buildings to the north of the existing access and proposed spine road and west of the access from The Drive. The northern boundary comprises an unmanaged hedgerow and trees with a part close-boarded fence which separates the site from the rear gardens of the properties on the southern side of The Drive and communal area to the rear of the flat block 150 to 160 Sackville Crescent and the rear gardens of 162 – 172 Sackville Crescent. The site slopes gently to down to the west and up to the south.
- 1.3 The site also incorporates the access to the site from The Drive.

2.0 Description of Proposal:

- 2.1 The proposal is a detailed planning application for the second part of the first phase of residential development consisting of 68 residential units comprising:
- 7 no. 1-bedroom flats
 - 11 no. 2-bedroom flats
 - 21 no. 3 bedroom terraced houses (11 of which are affordable)
 - 16 no. 3-bedroom semi-detached houses
 - 1 no. 3 bedroom detached house
 - 12 no. 3/4-bedroom terraced houses
- 2.2 The development would include four key designs of housing, a single individually designed detached house and a block of apartments. These would be served from the main spine road and various spur roads, the main one of which would maintain access to the Harold Wood Polyclinic and other retained buildings to the south west.
- 2.3 Facing south east onto the main Avenue (Spine Road) and south of the main spur road a terrace of 12 No. 3/4 bedroom, contemporary design three storey houses are proposed with an 11m deep first floor rear terrace and garden above a ground floor double depth garage, cycle and bin store, with

an open light well patio area with steps to the first floor terrace. The roofs would be “open” gabled front to back, incorporating extensive glazing to the front elevation with a deep eaves overhang with flat roofed sections in-between and at either end of the terrace. The second floor bedroom would benefit from a front balcony with a Juliet balcony to the first floor front bedroom. Each property would have a shallow front garden area and access to the garages would be gained from a spur road which would also give access to further terraced housing, identified as the “South Mews”. A total area of 48m² garden and patio amenity space is proposed. Materials would include yellow brick, white render, slate colour roofing and timber boarding.

2.4 The “South Mews” housing would face the rear of the properties described above which would present a line of garages and recessed entrances, with an obscure glazed full height screen to the first floor garden terrace. Two terraces of 6 No, 3 bedroom, 3 storey houses are proposed. The houses would be flat roofed and incorporate a two storey front projection, the roof of which would be utilised as a front terrace for the master bedroom and a single storey rear projection with a large rooflight. Each property would have room for landscaping and a single off street parking space to the front together with a bin store and a secure cycle store integrated into the design. The rear garden areas would be 8m deep with a minimum area of 36m². Materials would include yellow brick, white render and timber or cementitious boarding.

2.5 To the rear of the South Mews properties accessed from a secondary spur from the main spur road a T-shaped courtyard area designated for affordable housing are proposed. This area would be made up of a terrace of six 3 storey houses facing north-east onto the courtyard with a staggered terrace of three to the north west of the spur and a semi detached pair to the south east. The houses at either end of the terrace would be designed for wheelchair users. The design of the houses would share several common features including a 3.4m deep two storey flat roofed rear projection, rear window configuration and material palette. They would differ at roof level with the terrace of 6 incorporating a gabled roof running the full length of the terrace whilst the semi detached pair a shared “open” front gabled roof similar to the houses facing the main spine road. The staggered terrace adopts the same open gabled approach, but with a mono-pitch solution to the deep stagger between them. Integral bin storage is provided for the terrace, whilst the other units all have rear garden access from the courtyard area. The material palette theme is continued for these units and courtyard parking is provided at a rate of 1 space per unit with 3 visitor spaces. The terrace of houses would have a shallow paved area to their front whilst the houses fronting onto the spur road would have 4m deep front garden areas. Rear garden depths would vary between 7m and 8.5m with areas varying between 34m² and 63m².

2.6 To the north east of the main spur and fronting onto the spine road at the western end of a sweeping curve a three storey apartment block is proposed providing 18 flats. The building is designed with two main

elements: a copper clad triangular section to the north with the southern section finished in white render with projecting glazed balconies. The roof parapet would rise to a point at the apex of the copper clad triangular section and the roof is identified as the potential location for a photovoltaic panel array. Each of the ground floor flats in the southern section of the block would have their own front door and one of these would be designed as to be wheelchair accessible. Parking at a rate of 1 to 1 would be provided in a communal parking area either side of the spur road to the rear of the block and on the southern side of the spur road serving the North Mews housing. Balcony areas varying between 4.5 and 7m² would be supplemented by an area of open space / landscaping to the rear of the parking area and adjacent to the main spur road.

- 2.7 The North Mews area of housing would comprise 7no semi detached pairs of houses accessed from a spur road of the northern apex of the bend in the spine road. The spur road then bends to the west around the copper clad end of the apartment block. The houses are open gabled front to rear with a deep eaves overhang and high level glazing similar to those properties facing the spine road. The two pairs of houses at the western end of the spur would be designed to be wheelchair accessible. The houses would all incorporate second floor balconies to the front serving their master bedroom, ground floor rear projections/conservatory with central lean-to glazing and an integral bike store to the front. Materials would be predominantly white render with timber / cementitious boarding and slate colour roofing. Each property would have room for landscaping and a single off street parking space to the front, with provision for 5 visitor spaces on the opposite side of the spur road. The houses would back onto housing in The Drive and Sackville Crescent with garden depth generally of 8.5m or greater and between 39 and 110m².
- 2.8 A single detached 3 bedroom house is proposed to the east of the North Mews spur road in the location of the earlier proposed energy centre/landscaping and partly in the location of an existing single storey building. The house has been specifically designed for the plot and the proximity of the building to the rear garden boundary of adjacent properties in The Drive. A flat roofed two storey property with a strong horizontal emphasis is proposed with the only windows in the northern flank serving the stairwell and first floor bathroom. Off street parking for two vehicles is proposed beneath a flat roofed canopy projecting from the western side of the house. The finish would be predominantly white render with expanses of glazing to the eastern and southern flanks. The rear garden of approximately 90m² would be located to the east.
- 2.9 The plans include full details of surface materials, landscaping, vehicle tracking, drainage and tree protection during construction. Shared surface and private road areas would be surfaced with paving blocks with a contrasting colour used to delineate parking spaces. A hedge is proposed along the back edge of the footway of the spine road and along the back edge of the main spur road serving the retained uses where this abuts the

parking and amenity area for the apartment block and the North Mews housing. Hedging, trees and shrub planting are indicated for front garden areas and on areas of verge with a row of trees and an evergreen screen proposed along the north eastern boundary of the site.

- 2.10 Boundary walls and close boarded fencing are proposed to the rear garden boundaries where required.

3. Relevant History

- 3.1 Extensive history relating to the function of the site as a Hospital.

Other history relating to the disposal of Hospital land for residential purposes:

P1095.88 - Residential development – Approved (land to the west of current hospital site up to Bryant Avenue and Whitelands Way)

P1541.89 – Revision to accommodate 13 additional units – Approved (as above)

P1963.89 - Revised scheme to above – Approved (as above)

P1183.91 - Revised scheme to above – Approved (as above, one phase)

P0292.92 - Erection of 67 residential units, 1 and 2 bed terraced dwellings, 3 bed terraced and detached houses, roads and ancillary works – Approved (as above. one phase)

P0752.93 - Residential development of 68 houses, 20 flats, associated roads and garages etc – approved (as above, final phase)

P1530.00 - Residential development (outline) – Approved (Lister Avenue/ Nightingale Crescent)

P0704.01 - Residential development (Outline) - Resolved by Committee to be approved subject to the prior completion of a Section 106 Agreement. (10.56ha site similar to the current application site)

P0141.06 - Residential development of up to 480 dwellings (outline) – Refused (appeal withdrawn)

P1232.06 – Residential development of up to 423 dwellings (outline) – Approved

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11

flats and for a two storey building adjacent to the Grange to provide 4 flats – resolved to approve, S106 in preparation.

P1703.10 - Construction of Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital - Approved

P0230.11 - Construction of Phase B of a Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital – Approved

P0004.11 - Phase 1A of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping – Resolved to approve subject to S106

D0122.11 - Demolition of the former Harold Wood Hospital, Gubbins Lane.- Prior Approval Granted

4. Consultations and Representations:

4.1 Consultees and 116 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press.

4.2 Two letters of representation have been received. Concerns raised relate to a change from the outline masterplan layout so that properties now back directly onto existing properties in The Drive resulting in overlooking and loss of privacy together with the need for additional doctors, dentists and public transport to address the needs of the increasing population of the area.

Consultee Responses

Borough Crime Prevention Design Advisor – Reiterates that designing for community safety is a central theme of sustainable development. A number of detailed design points and considerations are highlighted. Recommends that a condition be attached relating to secure by design.

English Heritage (GLAAS) – Advise that the area has been assessed and no significant archaeology found in that part of the site. No need to consider archaeology further on this part of the site.

Greater London Authority – Confirm that the Mayor of London does not need to be consulted further on the application

LFEPA – Is satisfied with the proposals subject to the provision of a fire main in Block A.

London Fire Brigade – Advise of the need for two fire hydrants within this part of the site.

Natural England – No objection. The long term commitment to landscape management is welcomed. Consideration should be given to the early implementation of measures to increase biodiversity and ecological connectivity between the site and the nearby SINC. An informative relating to bats is requested. Native planting should be encouraged in preference to ornamental species where space allows.

Environmental Health raise no objections subject to suitable conditions.

Thames Water raise no objection and advise that a drainage strategy is being developed with the developer.

5 Relevant Policies

- 5.1 The main issues in this case are considered to be the principle of the development, housing density and design, site layout, massing and street scene implications, impact upon residential amenity, highways and parking, sustainability and flood risk. The planning history of the site is also a material consideration.
- 5.2 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.3 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP8 (Community Facilities), CP10 (Sustainable Transport) CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.
- 5.4 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC27 (Provision of Community Facilities), DC29 Educational Premises), DC30 (Contribution of Community Facilities). DC32 (The Road Network). DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC49 (Flood Risk), DC50 Sustainable Design and Construction), DC51 (Renewable Energy), DC52 (Water Supply, Drainage and Quality), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees). DC61 (Urban Design). DC62 (Access), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments), DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local

Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.

- 5.5 Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations). There is also a range of Supplementary Planning Guidance to the London Plan. including 'Providing for Children and Young People's Play and Informal Recreation'
- 5.6 PPS1 'Delivering Sustainable Development', PPS3 'Housing', PPS6 'Planning for Town Centres', PPG13 'Transport', PPG 15 'Planning and the Historic Environment', PPS22 'Renewable Energy', PPS25 'Development and Flood Risk' are further material considerations.

6.0 Introduction

- 6.0.1 This application is seeking full planning permission for the second part of the first phase of the residential redevelopment of Harold Wood Hospital, the overall principle of which has been considered by Members under ref P0702.08. Subject to members resolving to grant planning permission, the intention is for work to commence as soon as possible with both phase 1a and 1b likely to be implemented simultaneously following the signing of the S106 agreement and issue of the decision notices for the Outline, phase 1a and this application. This application has been submitted as a full application to enable that timetable to be met, which would not have been possible were the application to have been made as a reserved matters application pursuant to the outline. Nevertheless, the first phase of the development is as envisaged by the outline application and complies with the overall parameters for the redevelopment that are embodied within the outline.

6.1 Principle of Development

- 6.1.1 Site Specific Policy SSA1 of the Havering Local Development Framework states that residential development of the former Harold Wood Hospital site

will be allowed subject to a range of criteria that will be explored further in the rest of this report. Policy CP1 supports the development of the overall site as contribution to the borough's housing target of 535 new homes per year. As indicated in the introduction, members have already accepted the principle of the site being redeveloped for residential purposes by resolving to grant outline planning permission for the redevelopment of the overall site and full planning permission for Phase 1a. The site the subject of this application falls within the area identified as forming Phase 1 of the development under the outline scheme. Subject to all other matters being acceptable the proposed redevelopment is considered to be acceptable in principle.

6.2 Density, design and layout

- 6.2.1 The number of units proposed in this phase is 68 on a site area of 1.28 hectares, which equates to a density of 53 dwellings per hectare. The unit mix is varied providing 1, 2, 3 and 3/4 bedroom dwellings of predominantly 3 storeys in height. This scale of development is considered to be appropriate to the scale and character of neighbouring development in The Drive and Sackville Crescent which includes 2 storey houses with loft conversions and 3 storey flats. The nature of the development is also broadly in accordance with the scale and layout of the outline proposals illustrative masterplan. Whilst the density for this particular site is above that indicated in the outline application as being applicable to Phase 1 of the site, when combined with the development proposed by Phase 1A the overall density is reduced to 41.5 dwellings per hectare which is in line with the density that set out in the original outline parameters for this part of the site of 42 dwellings per hectare. The density is therefore in accordance with the parameters established by the Outline application and in turn, in accordance with the requirements of Policies SSA1 and DC2.
- 6.2.2 The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site. The theme and rhythm created by the predominant house type established in Phase 1a is continued and reinterpreted in each of the housing types now proposed. Design features such as the high level glazed open gabled frontage and rendered frames and complimentary materials serve to give a coherence to the development creating a distinctive contemporary scheme.
- 6.2.3 The dwellings and apartment block with frontages along the spine road together with tree planting and landscaping will all help to define the spine road as the key access through the site. The terraced housing proposed is considered by staff to be of high architectural quality and individual character that will provide an attractive streetscene along the new spine road and the end elevations to the north and south incorporate protruding grey clad "box windows" which add further interest to the streetscene. The apartment block and its copper clad corner feature will provide a distinctive architectural focal point at the apex of the bend. The single detached

dwelling on plot 39 uses a simple palette of materials and also assists with visually directing the eye along the spine road and creates a sense of enclosure and place for the development which would not have been so evident had the area been used as open space.

- 6.2.4 The small open space indicated in the position of the detached house on the outline masterplan is re-provided within the North Mews area where it will provide a beneficial additional area of amenity space predominantly for the occupiers of the flats in that part of the site. The North Mews properties incorporate the open gabled feature found in the terraced housing and would use a palette of materials which would be complementary to Phase 1a.
- 6.2.5 The South Mews properties to the north of the application site would face towards the rear of the terraced housing facing the spine road. Staff consider that the architectural treatment of the rear terrace, garage and recessed rear door to these properties give a visual rhythm to the road which makes an attractive feature of what could potentially have been a poor outlook for the South Mews housing. The flat roofed design of the properties and selection of materials is considered by staff to tie in well with the terraced areas of the terraced housing on the opposite side of the spur road.
- 6.2.6 Turning to the affordable housing courtyard, this has been designed to respond to the architecture and character of the areas adjacent to it within the development. The houses on the northern side next to the spur road incorporate the same open gable feature as used in the North Mews houses. The terrace of houses to the south respond to the design of the South Mews terraces both in terms of materials and the design of their frontages. The affordable housing is also linked by the feature of a flat roofed two storey rear projection. Whilst such a feature would not generally be considered as acceptable in an established residential area, within the context of this new development they do not appear out of character or visually intrusive.
- 6.2.7 Staff therefore conclude that the design and layout of the proposal is acceptable and that it will further serve to define a contemporary high quality new residential development where people will want to live.

6.3 Residential quality and open space

- 6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The proposed dwellings are considered by staff to provide both good internal layouts and space including balconies which will provide enhanced amenity for the properties without unduly impacting upon the amenities of either neighbours within the site or outside. Rear garden areas are generally compact but provide sufficiently sized areas for private amenity purposes. The raised

deck gardens and light well patios proposed for the terraced housing facing the spine road are considered to offer contemporary good quality amenity space.

- 6.3.2 There are no true back to back relationships within the site, but where there are back to front or side on relationships acceptable privacy levels are maintained by the degree of separation (20 to 26m) and, where necessary, attention to internal layouts and in the instance of the terraced housing amenity terrace, by the use of frosted glazed screens where they back onto the South Mews properties. All houses and ground floor flats are also provided with front garden areas that will give both defensible space to the front and add to the character of the streetscene.
- 6.3.3 Internally all dwellings have been designed to meet Lifetime Homes Standards incorporating accessible bathroom and bedrooms with the potential for future adaptation to become fully accessible. In addition the scheme incorporates 6 units which are intended to be wheelchair accessible from the outset. The development is therefore in accordance with Policy DC7.
- 6.3.4 This phase of the development does not incorporate any significant public open space, but future phases will deliver approximately 2 hectares of public open space throughout the overall site, including the principal area that would be located to the east of the spine road to the south east of the application site.

6.4 Landscape strategy and tree retention plans

- 6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. Areas of road and driveway are indicated in block paving with conservation kerbs used for all adoptable highways. Extensive planting along verges and within the road areas is considered to assist with the definition of these areas and provide an attractive setting for the new dwellings.
- 6.4.2 Some lower quality trees will need to be removed to enable the development which were identified at outline stage. However, those that are to be retained will be supplemented by new planting in both public and private areas of the site, including many trees within the rear gardens and a substantial number to strengthen existing tree cover along the northern boundary of the site where they will assist in screening and protecting the amenity of properties to the north in The Drive and Sackville Crescent.
- 6.4.3 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi- public and private areas of the site as well as an attractive feature in the street scene.

6.5 Impact on adjoining sites and residential amenity

- 6.5.1 The northern boundary of the application site provides the rear boundary of properties in The Drive and Sackville Crescent and it is for these properties where the potential impacts could arise. However, the back to back distance between the rear of the proposed North Mews dwellings and the original rear main wall of existing properties is at no point less than 27m. In addition, the proposed second floor rear windows would only serve the master bedroom dressing room and there are a number of existing evergreen trees in many of the rear gardens of properties in The Drive and Sackville Gardens as well as existing screening vegetation within the site which will be supplemented by additional tree and shrub planting. Staff consider that the impact upon residential amenity would be acceptable.
- 6.5.2 Members will be aware that this part of the application site at present includes the energy centre and chimney of the former hospital which is a reasonably dominant building in the rear garden scene for some of the properties to the north. This will be demolished which can only be viewed as beneficial to the amenities of those properties.
- 6.5.3 In relation to the detached house proposed on plot 39, the adjacent gardens to No's 43 and 45 The Drive are in excess of 40m long and it is not considered that the flat roofed 2 storey dwelling proposed, with no principal windows in its northern elevation will cause unacceptable loss of privacy or amenity nor will it appear as an obtrusive feature despite it's proximity to that part of the site boundary.

6.6 Transportation, Highways and Parking

- 6.6.1 The scheme incorporates new public highway and roads which are designed to an acceptable standard with adequate space for turning and servicing. The terrace of houses facing the spine road have provision for two tandem car parking spaces within a garage area and the single detached house would be provided with two off street parking spaces. All other units proposed for this part of phase 1b would be provided with a single off street parking space, with further provision for 13 off road visitor spaces. The outline scheme proposed an overall level of provision of 1.5 spaces per unit by way of 1 space per flat and 1 to 2 spaces per house. The level of parking for this part of the scheme would therefore achieve an overall parking ratio of 1.38 spaces per unit which is slightly less than agreed for the outline scheme. However, when taken together with the proposed first phase, which will provide 47 parking spaces, the ratio increases to 1.6 spaces per unit. This is considered to be in accordance with the Policy and with the parameters of the outline application.
- 6.6.2 In terms of overall impact upon the highway network, the 68 units proposed will have no significant material impact and the impact of the site overall will remain significantly less than that which resulted from it's previous hospital use until much later into the development.

6.7 Housing

6.7.1 This second element of Phase 1 of the redevelopment of the former hospital site would incorporate some affordable housing of 3/4 bedroom size. Later phases of the development would incorporate affordable housing and the small size of this first element would not trigger any requirement for the provision of affordable housing under the terms of the S106 Legal Agreement. Provided this application is tied into the wider S106 for the overall former hospital site to ensure the overall delivery of at least 15% affordable housing throughout the site, no objections are raised.

6.8 Sustainability

6.8.1 The proposals involve the re-use of a brown field site and the development of housing in an area well served by public transport. In line with the requirements of the London Plan and Policies DC49 and DC50, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20%.

6.8.2 Following the decision of the Council to defer the requirement for new housing to meet Code for Sustainable Homes (CfSH) Level 4 it is proposed that the development would achieve CfSH Level 3 for the private dwellings and Level 4 for the affordable housing. The application proposes that carbon emissions and heating bills of the residents would be most effectively reduced through:

- Improved insulation
- More efficient heating
- More efficient ventilation systems

6.8.3 The following improvements are proposed for the application site's carbon reduction strategy:

- Super-insulation
- Enhanced air-tightness
- Low thermal bridging heat loss through better design and construction
- High efficiency ventilation system with heat recovery
- High efficiency condensing boilers.
- Block A will have roof mounted photovoltaic panels (or another renewable source) to provide a proportion of power for the communal systems.

6.8.4 Staff are satisfied that these measures together with the applicant's sustainability statement and energy assessment, show how the council's sustainability related policies are to be met. Although the 20% on-site renewable energy requirement will not be met in full, the proposed renewable energy measures to be employed in more communal elements of

the overall redevelopment coupled with the improved energy efficiency measures are acceptable for the purposes of complying with the relevant policies.

6.9 Other Considerations including planning obligations

6.9.1 Matters relating to flood risk, drainage, bio diversity and nature conservation can all be adequately addressed through conditions. Provision for local services and Education would be provided for through the S106 Legal Agreement as detailed in the original report for the outline application.

6.9.2 Some aspects of the proposal have been highlighted by the Council's CPDA. Some revisions to elements of the design of individual units have been submitted in order to address some concerns about ensuring that there is adequate overlooking of parking areas. In some instances, however, this will be achieved once adjacent areas of the site are developed in subsequent phases. A condition is also suggested to ensure that matters of Secure by Design are fully considered.

6.9.3 As a separate full planning application it is necessary for this application to be tied in with the outline permission for the site and the S106 Legal Agreement by way of a variation to that agreement which although it may not have been issued, is currently out for signature and therefore may be difficult to amend. This is necessary in order to ensure that the implementation of this application is taken together with other subsequent reserved matters applications and that it features in any triggers for payments under the S106.

6.10 Conclusions

6.10.1 Having regard to the above, subject to the satisfactory completion of a Section 106 Legal Agreement, together the conditions set out above, it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.3 to 5.5.

6.10.2 Staff consider that this full application for the second element of phase 1 of the redevelopment of the former Harold Wood Hospital site will continue to display the benchmark of the quality established by the first element, both in terms of the residential accommodation and environment. This is in line with the illustrative master plan and the Design and Access Statement for the outline application. The scheme promises to deliver a sustainable, safe and attractive development to new residents in a form that maintains the residential amenity of existing residents.

6.10.3 It is recommended that planning permission be granted

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning obligation is required to make the application acceptable. The agreement will include the payment of the Councils Legal expenses involved in drafting the S106 agreement.

Legal implications and risks:

This application needs to be tied into the Section 106 planning obligation for the Outline planning application P0702.08. This is nearing completion but will need to be finalised and signed prior to the issue of the planning permission.

The heads of the agreement are the same as those for P0702.08 and are set out in the Annex to this report.

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

This phase of the development incorporates specifically designed accommodation for wheelchair users as well as meeting the requirement for all new dwellings to meet the Lifetime Homes standard. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

REGULATORY SERVICES COMMITTEE

REPORT

3 November 2011

Subject Heading:

P0530.11 - Construction of a Biogas Generation Plant, using Anaerobic Digestion, capable of handling up to 100,000 tonnes of organic materials including supermarket waste, food waste and manufacturing waste per annum.

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the erection of a biogas generation plant on land off Creek Way, Frog Island, located to the south of Ferry Lane alongside the River Thames. The proposal would comprise a number of large structures, including tanks, a machine hall, and a chimney. The proposal would employ technology known as anaerobic digestion, which involves processing organic waste in a manner that releases biogas (methane). The biogas is then used as a fuel to generate electricity on-site, some of which is used in the operation of the facility, with the rest being fed into the national grid. The proposed facility would process approximately 100,000 tonnes of organic waste per annum, with up to 5MW of electricity being produced. Heat generated by the facility will be recycled, being used by the proposed facility and an existing, neighbouring facility.

The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, ecology, flood risk and drainage, and other considerations. Officers are recommending that the application be approved, subject to conditions and the completion of a Section 106 agreement.

RECOMMENDATIONS

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

- The safeguarding of an area along the riverside part of site for use as a future Riverside Walk.
- A contribution of £100,000 to be used, either in part or in full, towards any of the following:
 - Thames side path to the front of the application site
 - Public access improvements between Rainham and the River Thames
 - Street lighting along Marsh Way
 - A public bus bridge over Creek Way.
- A contribution of £50,000, to be used for Biodiversity improvements in the vicinity of site.
- A clause that the developer employs best endeavours to provide staff/employment requirements in relation to construction and operation of

the facility and to establish a suitable training programme in relation to the construction stage and operation of the development.

- Provision of a Travel Plan for employees.
- Payment of the Council's legal fees associated with the preparation of the agreement.
- All contributions will be subject to indexation using the appropriate Index. All contributions to be spent within 7 years of receipt of the final payment relating to the specified contributions and to include any interest earned prior to spending.

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

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

Reason:-

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s) and information:

- PL103 (Plant Elevations)
- CS047350_B_PL_001
- CS047350_B_PL_002 Rev C
- 3435-D2-015 Rev P5
- 3435-D2-017 Rev P2
- 3435-D2-018 Rev P1
- 3435-D2-019 Rev P3

The plant visualizations referenced:

- 110912 (Frog Island AD PL103 West Perspective)
- 110912 (Frog Island AD PL104 Aerial)
- 110912 (Frog Island AD PL105 Southeast Perspective)
- 110912 (Frog Island AD PL103 Southwest Elevational).

The following details, except where they have been superseded by any of the above drawings:

- The submitted Environmental Statement dated March 2011

- Air Quality Addendum dated 19th July 2011
- Additional Information and Responses to Statutory Consultees dated 10 August 2011
- Design and Access Statement
- Flood Risk Assessment;
- Planning Explanatory Statement
- Transport Statement

Reason:-

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

3. No development shall take place until samples of all materials to be used in the external construction of the building(s), including the colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:-

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

4. No development shall take place until details of the proposed boundary treatment at the site, including dimensions, materials and colour scheme, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

Reason:-

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. No development shall take place until a scheme detailing the proposed means to prevent material being deposited on the public highway, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the approved buildings being brought into use, and retained for the life of the development.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the

Development Control Policies Development Plan Document Policies DC61 and DC32.

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

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

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 Local Planning Authority; 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 and in order that the development accords with Development Control Policies Development Plan Document policy DC53

7. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
 - j) details relating to the cumulative impact of construction traffic, including site access arrangements, booking systems, construction phasing, vehicular routes, and the scope for load consolidation and/or modal shift to reduce road-based traffic movements.

The development shall be undertaken in accordance with the approved scheme.

Reason:

To protect local amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. No development shall take place until a scheme detailing site security measures, including reference to boundary treatments, lighting and CCTV, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the use of any of the buildings and shall be retained thereafter, unless otherwise agreed in writing by the LPA.

Reason: For the security and convenience of users and employees of the site and to ensure no light spillage onto ecologically sensitive areas.

9. No development shall take place until details relating to the construction of the site drainage system have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the use of any of the proposed buildings unless otherwise provided for in the scheme.

Reason:-

To prevent the pollution of the water environment.

10. No development shall take place until a scheme detailing the construction of the site sewerage infrastructure has been submitted to and approved in writing by the Local Planning Authority. The approved development shall thereafter be undertaken in accordance with the approved details. None of the buildings hereby permitted shall be occupied until the approved infrastructure is in place.

Reason:-

To prevent the pollution of the water environment.

11. No development shall take place until a scheme detailing the proposed external lighting at the site, including details of siting, design, and measures to prevent any adverse impacts on local ecology, have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to the approved buildings being brought into use and shall be retained for the life of the development.

Reason:-

In the interests of nature conservation and amenity.

12. No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the LPA. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods. The approved scheme shall be implemented and retained for the life of the development.

Reason:-

In the interests of highway safety and amenity.

13. No development shall take place until a scheme detailing the proposed use of heat recovery equipment at the approved facility, and the proposed use of surplus heat at the approved facility and neighbouring development, has been submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented and retained for the life of the development.

Reason:-

In the interests of sustainable development.

14. An access strip at least 4 metres wide with unrestricted gate access, shall be maintained throughout the life of this planning permission to enable access to the Thames Tidal Defences from the end of Creek Way. The access strip shall be provided at all times from the commencement of the development.

Reason:-

To ensure that the Environment Agency has the necessary access required to carry out its functions, both day to day and in an emergency.

15. No goods or materials shall be stored on the site outside of the approved buildings.

Reason:-

In the interests of visual amenity.

16. Notwithstanding the provisions of Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no extension of or alterations to the approved buildings shall be undertaken without the prior written approval of the Local Planning Authority.

Reason:-

To protect the visual amenities of the area and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies CP11, DC9, DC32, DC34, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, and DC72 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

2. Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site, which is located alongside the River Thames and approximately 1.5km to the southeast of Rainham village, comprises an area of hard standing and is accessed via Creek Way, which runs southwest from Ferry Lane. The site is approximately 1.25 hectares in area and is currently unoccupied; it formerly contained two large shed structures used for the storage of portacabins and containers. The site's boundaries are formed by palisade fencing and the river defence wall.
- 1.2 The site is located within an established industrial area. Its south eastern and north eastern boundaries abut neighbouring industrial and commercial uses, with part of the north eastern boundary lying adjacent to Rainham Creek, which is designated as a Metropolitan Site of Nature Conservation Interest. The site's north western boundary abuts land owned by the applicant, which is occupied by a material recycling facility, beyond which is a Solid Fuel Recovery facility, also owned by the applicant. Further to the west still, there is an extant planning consent for the erection of a gasification plant (planning permission: U0004.06) The site's south western boundary, which is formed by a flood defence wall, lies adjacent to the River Thames, which is designated as a Metropolitan Site of Nature Conservation Interest.
- 1.3 The site is located on land designated as a Strategic Industrial Location and within Flood Zone 3a, although it benefits from a flood defence wall running alongside the River Thames. The Rainham Marshes Site of Special Scientific Interest (SSSI) is located approximately 250m to the north east.

2. Description of Proposal

- 2.1 This planning application proposes the construction of a biogas generation plant using anaerobic digestion.

- 2.2 Anaerobic digestion is an in-vessel process that involves placing organic waste in an anoxic (no oxygen) environment where it is broken down by bacteria. The resultant release of biogas (methane) can then be captured and used as fuel in an on-site power plant for the generation of electricity. The remaining solid material left at the end of the process, known as digestate, can be used as an agricultural fertiliser.
- 2.3 The proposal would process up to 100,000 tonnes per annum of organic waste, including supermarket waste, food waste, and food manufacturing waste. The captured biogas will be transferred to an on-site combined heat and power (CHP) plant to generate up to 5MW of electricity¹, 20% of which will be used to power the facility, with the remainder being fed into the national grid. Heat generated during the process, which would otherwise be emitted to the surrounding environment and wasted, will be used to provide heating at the proposed development and a neighbouring facility. Approximately 30,000 tonnes of digestate will be produced per annum. Any ferrous and non ferrous metals, along with plastic and grit, would be extracted for recycling.
- 2.4 The proposed development would comprise various structures including digester tanks, processing sheds, an air treatment plant, CHP plant, biogas storage units, a chimney, and an office building. Access roads, manoeuvring areas, and car parking would also be included. The more conventional looking buildings, such as the machine hall and reception building, would be located at the north western end of the site, along with approximately 8 tanks and the air treatment equipment. The south eastern end of the site would be dominated by the larger anaerobic digestion tanks, of which there are 5, a biogas holder, the CHP plant and chimney, and some smaller tanks. All of the tanks would be located in bunded areas.
- 2.5 The tallest of the proposed structures would be the CHP stack (chimney), which would be approximately 35m in height. The various tanks range in height from 9m to 28m. The anaerobic digester tanks, of which there would be five, would be approximately 28m in height. Two further tanks would be approximately 23m in height, and another around 21m in height. The remaining ten tanks would be between 9m and 14m in height. The processing building, which would be approximately 2265m in area, would have a ridge height of approximately 14m.
- 2.6 The proposal would result in the creation of around 12 permanent jobs.

3. Relevant History

- 3.1 The planning permissions of most relevance to this application are as follows:

¹ 5MW would power approximately 2500 households per annum.
<http://www.bwea.com/edu/calcs.html>

P0940.06 - Equipment storage building, for engineering spare parts - Approved with conditions 19/07/2006.

P0689.00 - Erection of new workshop, fuel/vehicle wash facilities/refurbishment of offices to form new bus servicing depot for a period of five years – Application Refused 10/11/2000.

P0797.95 - The temporary location of an asphalt plant - Approved with conditions 18/09/1995.

3.2 The following decision relates to the site located immediately to the north:

P0197.03 - 1) Change of use to waste Management facility. 2) Erection of a biological materials recycling facility (Bio-MR2F) and RRC materials recycling facility - Approved with conditions 27/11/2003.

4. Consultations/Representations

4.1 Statutory Consultees

Environment Agency - No objections. Conditions have been recommended in relation to various matters, which Members will be updated about at Planning Committee.

Greater London Authority (GLA) - Objections raised. A commitment to local employment is required; calculations are required in relation to energy production; local ecological improvements should be considered; the absence of a river path; the visual impact; contributions towards the river walkway, a new bus bridge, and the provision of cycle parking, a travel plan, and a construction logistics plan.

4.2 Non statutory Consultees

London Borough of Bexley - No objections.

Civil Aviation Authority - No objections.

Environmental Health - No objections. A planning condition has been recommended relating to contaminated land.

Highways	-	No objections.
Thames Water	-	No objections.
London Fire and Emergency Planning Authority	-	No objections; information relating to the installation of additional fire hydrants required.
Transport for London	-	Additional information required - Construction Logistics Plan; Green travel initiatives should be explored; a strategy for managing traffic movements to avoid peak hour traffic; and potential contributions towards public transport and public access provision.

4.3 This application was advertised and notification letters were sent to adjacent addresses. No representations have been received from members of the public.

5. Relevant Policies

5.1 Core Strategy and Development Control Policies Development Plan Document ("The LDF"):

CP11 (Sustainable Waste Management)
DC9 (Strategic Industrial Locations)
DC32 (The Road Network)
DC34 (Walking)
DC48 (Flood Risk)
DC50 (Renewable Energy)
DC52 (Air Quality)
DC53 (Contaminated Land)
DC55 (Noise)
DC58 (Metropolitan Site of Nature Conservation Importance)
DC59 (Biodiversity in New Developments)
DC61 (Urban Design)
DC72 (Planning Obligations)

5.2 The London Plan

Policy 5.16 (Waste Self-Sufficiency)
Policy 5.7 (Renewable Energy)

5.3 Relevant national planning guidance:

PPS1 (Delivering Sustainable Development)
PPS10 (Planning for Sustainable Waste Management)

PPS22 (Renewable Energy)
PPS25 (Development and Flood Risk)

5.4 Draft Joint Waste Development Plan Document (“Joint Waste DPD”)

W1 (Sustainable Waste Management)
W2 (Waste Management Capacity, Apportionment and Site Allocation)
W5 (General Considerations With Regard to Waste Proposals)

6. Staff Comments

6.1 This proposal is put before Planning Committee as it is a Major development where obligations are being sought by means of a legal agreement. Planning consent should only be granted in the event that the legal agreement is finalised.

6.2 The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, ecology, flood risk and drainage, and other considerations.

7. Assessment

7.1 Principle of development

7.1.1 The proposed biogas generation plant would divert up to 100,000 tonnes per annum of organic waste away from landfill and result in the generation of up to 5MW of renewable energy and 30,000 tonnes of digestate that would be suitable for agricultural uses. It is considered that the proposal would be akin to a B2 use insofar as it would involve an industrial process and of an industrial nature in terms of its operation and appearance.

7.1.2 Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being landfilled. Policy 5.7 of the London Plan states that “The Mayor seeks to increase the proportion of energy generated from renewable sources.” Paragraph 5.39 states that “Energy generated from waste provides a particularly significant opportunity for London to exploit in the future. Preference should be given to using advanced conversion technologies including anaerobic digestion.” Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources. Policy DC50 states that renewable energy development will be supported subject to certain criteria. As a recycling and recovery facility that will divert waste away from landfill, the proposal is considered to be in accordance with the strategic objectives of the LDF, the London Plan, and the Joint Waste DPD.

7.1.3 The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas, with the exception of the Beam Reach Business Park, B2 and “waste uses” will be considered acceptable providing they are in accordance with the Joint Waste DPD and

Policy CP11 of the LDF. The proposed development is considered to be both akin to a B2 use, but given that it would involve the chemical treatment of waste, the proposal is considered to be a “waste” use in terms of the LDF and Joint Waste DPD.

7.1.4 The Joint Waste DPD has been subject to an Examination in Public but has yet to be formally adopted and will therefore be afforded less weight than the guidance contained in the LDF. Policy W2 of the Joint Waste DPD establishes the amount of waste to be managed by the East London boroughs over the coming years and identifies sites within the plan area to provide the required capacity to manage this waste. Schedule 1 sites are safeguarded waste management facilities that are already in operation, and Schedule 2 sites are locations where additional waste management operations would be encouraged. The site under consideration does not constitute either a Schedule 1 or Schedule 2 site.

7.1.5 However, Policy W2 does state that where an applicant can demonstrate there are no opportunities within the preferred Schedule 1 and 2 areas for a waste management facility, that sites within designated industrial areas will be considered. The site is located within an industrial area, and as a waste use, could be in accordance with Policy DC9, providing it complies with the Joint Waste DPD. As part of their submission, the applicants have undertaken a detailed assessment of the suitability of the appropriate Schedule 2 sites, including the Ferry Lane North site in Rainham, along with sites in the boroughs of Barking and Dagenham, and Newham, all of which are identified as being suitable for in-vessel composting and anaerobic digestion.

7.1.6 The assessment concludes that the Schedule 2 sites considered are unsuitable for the following reasons:

- The sites are “unavailable” to the applicants, although no evidence is provided to demonstrate a serious attempt to acquire the sites;
- The sites are not in close proximity to the applicant’s existing waste management facilities;
- The sites do not currently host existing commercial waste facilities meaning the required infrastructure would not be in place.

The application site however is owned by the applicant, is located alongside the applicants’ two existing facilities, which are designated as Schedule 1 sites, and the proposal would benefit from the presence of existing infrastructure.

7.1.7 That the applicants do not have control of the alternative sites is considered to be of very limited weight, although the benefits that the application site offers in terms of co-locating the proposal with existing facilities are of greater significance. The applicants considered the Ferry Lane North site in more detail with advice from the LPA stating that it is likely to be capable of hosting an anaerobic digester facility with a capacity of approximately 60,000 tonnes per annum. The proposed facility would have a capacity of

100,000 tonnes per annum and the applicants state that: *“It is not considered reasonable to expect the [applicant’s] AD facility to reduce its capacity in order to be suitable to the Ferry Lane site.”* This is not considered to be a particularly convincing argument.

- 7.1.8 The proposed development, to be located on an unallocated site, would result in the processing of up to 100,000tpa of waste over and above the ELWA apportionment in the London Plan, which the Schedule 1 and 2 sites have an identified capacity to handle. The proposal would result in an additional 40,000tpa of waste over and above the ELWA apportionment, in comparison to the situation if the applicants developed a 60,000tpa facility at the Ferry Lane North site. The proposed development could therefore potentially result in the ELWA exceeding their apportionment by between 40,000tpa and 100,000tpa.
- 7.1.9 As discussed, Policy W2 of the Joint Waste DPD states that new waste uses can be acceptable outside of the Schedule 1 and 2 sites providing the applicant can demonstrate there are no opportunities for waste management facilities within the available allocated sites. The applicants have not demonstrated this. It is considered that the proposal, which would not be located on an allocated site and which would result in the ELWA apportionment being exceeded, is contrary to Policy W2 of the Joint Waste DPD.
- 7.1.10 However, the proposal would deliver benefits such as the recycling and recovery of waste, and the generation of renewable energy, all of which is supported by the strategic objectives of the London Plan, LDF, and Joint Waste DPD. Adjacent sites, which are also located within the strategic industrial area, have been granted approval and subsequently developed as waste management facilities. These facilities are now safeguarded in the Joint Waste DPD. The land immediately to the north west of the site is in use as a materials recycling facility and a biological materials recycling facility. The land immediately to the north west of these modern waste facilities benefits from planning consent for a gasification facility. Recent planning decisions concerning land in close proximity to the site have therefore established that large scale, modern waste management facilities can be acceptable in the area under consideration. The application site would allow for mutually supportive synergies between the proposed development and safeguarded, existing facilities.
- 7.1.11 Whilst the proposal would be contrary to Policy W2 of the Joint Waste DPD, it is considered, on balance, that the benefits outweigh this. The proposal is therefore considered to be acceptable in principle, having regard to the London Plan, the LDF, and the Joint Waste DPD, and all other material considerations.

7.2 Visual Impact

- 7.2.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not

cause demonstrable harm to visual amenities. 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.

- 7.2.2 The site is located in a prominent location along the River Thames although it is also located in an existing industrial area, which is designated as a Strategic Industrial Area in the LDF. Neighbouring sites have been granted approval and subsequently developed as large-scale waste management facilities. The land immediately to the north west of the site is in use as a materials recycling facility and a biological materials recycling facility. The land immediately to the north west of these modern waste facilities benefits from planning consent for a gasification facility. Recent planning decisions concerning land in close proximity to the site have therefore established that large scale, modern waste management facilities can be acceptable in the area under consideration.
- 7.2.3 As discussed, the proposal would involve the erection of numerous large structures including tanks up to 28m in height, a machine hall that would be 2500sqm in area and 14m in height, and a CHP stack that would be 35m in height. Taken together as a group, the various elements of the proposal would amount to a visually significant development that would be visible from the River Thames, the borough of Bexley to the south, and the A13 to the north. The substantial bulk and massing of the larger structures, particularly the larger tanks and the machine hall in this prominent location, are such that high quality materials would be required to make the proposal acceptable.
- 7.2.4 The applicants, who own the two neighbouring waste management facilities, are proposing to clad the Machine Hall in similar materials to the existing, neighbouring buildings, including the use of a timber strip across the length of the building. This is intended to achieve a continuous aesthetic along the river side. It is also proposed to use stainless steel on the more industrial looking structures, such as the tanks and the CHP stack. The applicants have submitted visuals, and both the GLA and planning officers now consider the proposal to be acceptable, subject to the use of conditions.
- 7.2.5 It is recommended that conditions be imposed, should planning permission be granted, requiring the submission and approval of details relating to the proposed use of facing materials, colour scheme, the proposed boundary treatment, and the proposed use of security measures such as CCTV, in the interests of visual amenity.
- 7.2.6 Given the nature of the proposal, including its siting, scale, and design, it is considered that it would be in accordance with Policies DC50 and DC61 of the LDF, subject to the imposition of the afore mentioned conditions.

7.3 Amenity

- 7.3.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not

cause demonstrable harm to residential amenities or give rise to unacceptable levels of pollution. Policy DC52 states that planning permission will only be granted providing significant harm to air quality would not be caused. Policy DC53 states that planning permission will only be granted for development that would not lead to future contamination of the land in and around a site, and, where contamination is known to exist at a site, a full technical assessment is undertaken. Policy DC55 states that consent will not be granted for development that would result in unacceptable levels of noise and vibrations affecting sensitive properties. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 7.3.2 The proposal largely involves an enclosed process, contained within sealed tanks and buildings. The site is located within an established industrial area, approximately 1.5km from the nearest residential properties. The potential environmental impacts arising from this proposal are likely to be a result of noise, odour, air pollution, and existing ground contamination. These impacts have been considered as part of the applicant's planning application, which included an Environmental Statement.
- 7.3.3 Given the nature of the proposal and the site's location, where there is an absence of any sensitive neighbouring land uses, it is considered unlikely that the proposal would give rise to any significant adverse noise impacts. In terms of potential odour impacts, all air from the enclosed buildings, pre treatment storage, and mixing tanks will be collected and treated prior to its release. In terms of potential air quality impacts, the GLA and Environment Agency have considered the details submitted by the applicant and raised no objections. Emissions from the combined heat and power plant will be tightly controlled and emitted through the 35 metre stack. Emissions and odour will also be the subject of an Environmental Permit administered by the Environment Agency. The Council's Environmental Protection officer has requested additional information in relation emissions and the applicants have submitted additional information in response. At the time of writing, revised comments have not been received from Environmental Health; Members will be updated of any developments at committee.
- 7.3.4 The proposed development would involve breaking up and recycling the existing hardstanding at the site; the land beneath the hardstanding could be contaminated. The Council's Environmental Health officers have considered the proposal and have raised no objections subject to the imposition of a planning condition requiring an assessment of contamination at the site. It is recommended that this condition be imposed should planning permission be granted.
- 7.3.5 In order to ensure that the construction process does not lead to any significant adverse impacts to the public or neighbouring occupiers in terms of dust and other considerations, it is recommended that a condition be imposed, should planning permission be granted, requiring the submission of a Construction Method Statement.

7.3.6 No objections have been received from members of the public in relation to this proposal. No objections have been raised by the Environment Agency, however, conditions have been recommended, which members will be given an update about during the Planning Committee meeting.

7.3.7 It is considered that, given the nature of the proposed development, including its siting, scale and design, there would not be any significant adverse impacts, in terms of noise, odour, and pollution, on local or residential amenity if this application were approved. The proposal is considered to be acceptable subject to the imposition of the afore mentioned conditions. It is considered that the proposal would be in accordance with Policies DC50, DC52, DC53, DC55, and DC61 of the LDF

7.4 Access Considerations

7.4.1 Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. Policy DC34 states that in appropriate circumstances, contributions will be sought towards planned initiatives to promote walking, including the Thames Pathway scheme.

7.4.2 The site is located in an existing industrial area that is served by a public highway suitable for heavy goods traffic. It is estimated that the proposal would generate around 56 traffic movements per day. The Council's Highway officers have considered the proposal and have raised no objections. In order to protect highway safety and amenity, it is recommended that a condition be imposed requiring details of the methods proposed to prevent the deposit of material in the public highway be submitted for the LPA's approval.

7.4.3 The GLA and Transport for London have commented on the proposal and have stated that additional information should be submitted to include the following. A Construction Logistics Plan, which provides details of how traffic will be managed during the construction phase; a scheme that considers green travel initiatives; a strategy for managing traffic movements to avoid peak hour traffic; and potential contributions towards public transport and public access provision. The GLA has stated that contributions should be made towards a new bus bridge and a public footpath alongside the Thames. Conditions can be imposed requiring details of a Construction Logistics Plan and a Delivery and Servicing Plan, should planning permission be granted.

7.4.4 The applicants have agreed to enter into a Section 106 agreement obligating them to provide the following: safeguard an area along the riverside part of site for use as a future Riverside Walk; adopt a Travel Plan for employees; and to contribute £100,000 towards a pathway alongside the Thames, public access improvements between Rainham and the river, street lighting along Marsh Way, and a bus bridge over Creek Way.

7.4.5 The Environment Agency have recommended conditions to ensure the stability of Creek Way, which they consider could collapse under more intense usage. This matter is considered further in the following section of this report.

7.4.6 In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policies DC32 and DC34 of the LDF, subject to the imposition of the afore mentioned conditions and the finalization of a Section 106 agreement.

7.5 Ecology

7.5.1 The site is located alongside two Metropolitan sites of Importance for Local Nature Conservation, and approximately 250m away from the Rainham Marshes SSSI. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced.

7.5.2 An Ecology and Nature Conservation Assessment was submitted as part of the planning application. The site, which is an area of previously developed land and currently covered in a concrete hardstanding, was found to be of low ecological value.

7.5.3 An Ecological Appraisal has been submitted with the application, which concludes that the proposed extension of the working period would not have any significant adverse impacts on the area's ecological assets. Whilst the site is located in close proximity to other areas of land of higher ecological value, no cumulative effects or residual impacts were identified.

7.5.4 Policy DC59 of the LDF states that biodiversity and geodiversity enhancements, that are integral to new development, will be sought. The opportunities for seeking ecological and nature conservation enhancements within the site are very limited. The GLA has stated that a contribution should be made towards local ecology. The applicants have agreed to enter into a Section 106 agreement containing an obligation to contribute £50,000 towards off-site biodiversity enhancements.

7.5.5 The Environment Agency has objected to the proposal on the basis that an intensification of the use of Creek Way, which is not adopted, could destabilize the roadway and cause it to collapse into Rainham Creek. However, as this roadway is leased and maintained by the applicants, this matter can be resolved through the use of planning conditions requiring the submission of a scheme identifying any necessary repairs to Creek Way; establishing a short and long term maintenance plan; and requiring that the approved scheme be implemented.

7.5.6 No objections have been raised by the Environment Agency, however, conditions have been recommended, which members will be given an update about during the Planning Committee meeting.

7.5.7 Subject to the aforementioned condition and Section 106 agreement, in terms of its ecological impact, the proposal is considered to be acceptable and in accordance with Policies DC58 and DC59 of the LDF.

7.6 Flood Risk and Drainage

7.6.1 The site is located in Flood Zone 3a, as defined by the Strategic Flood Risk Assessment, although it benefits from flood defences located along the riverside. Policy DC48 of the LDF stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. It is stated that a sequential approach should be adopted, which directs development to the lowest appropriate flood risk zone; that flood storage capacity should not be constrained in the Flood Plain; and that necessary surface water drainage requirements are achieved. The LPA takes advice from consultees on the latter two issues.

7.6.2 This planning application was accompanied by a Flood Risk Assessment, which has been considered by the Environment Agency with no objections being raised. No objections have been raised by Thames Water.

7.6.3 It is recommended that conditions be imposed, should planning permission be granted, requiring the submission and approval of details relating to the proposed site drainage system and sewerage infrastructure.

7.6.4 The LPA is required to take a sequential approach to the location of proposed development, encouraging development in areas with the lowest risk of flooding possible. The guidance contained in PPS25 defines the proposal, which constitutes an industrial/waste processing use, as “less vulnerable” development. Less vulnerable uses are considered to constitute appropriate development in Flood Zone 3a. The proposed development will complement neighbouring waste processing facilities that are also owned and operated by the applicant. Given the synergies that can be achieved by locating the proposal at the application site, it is considered that the proposal could not more reasonably be located in an area at lower risk of flooding and that it therefore passes the Sequential Test.

7.7 Other Considerations

7.7.1 The GLA has stated that the applicant should make a commitment to strategies aimed at recruiting local unemployed people. A clause will be included in the proposed Section 106 agreement requiring the developer to use best endeavours to provide information about employment opportunities in relation to construction and operation to relevant agencies. There will also be an obligation to establish suitable training programmes in relation to the construction stage and operation of the development.

7.7.2 The applicants have provided energy calculations stating that the proposed facility would produce 9Gwh per annum of surplus heat. The GLA has requested additional information in relation to the use of heat recovery equipment, which would enable heat generated at the site to be transferred

to neighbouring development. It is recommended that a condition be imposed, should planning permission be granted, requiring the submission of details relating to heat recovery equipment.

7.7.3 The London Fire Brigade requires the installation of additional fire hydrants at the site to ensure there are sufficient water supplies to fight any potential fires at the site. This is considered to be a Building Control matter that can be dealt with after the planning phase, should planning permission be granted.

8. Conclusion

8.1 Officers consider the proposal to be acceptable, having had regard to Policies CP11, DC9, DC32, DC34, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, and DC72 of the LDF, and all other material considerations, subject to conditions and a Section 106 agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to draft a new Section 106 agreement which is required to ensure that the applicants agree to the planning obligations described at the beginning of this report.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
The supporting information referenced in Condition 1.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 November 2011

Subject Heading:

L0008.11 & P0529.11 – Upminster Court, Hall Lane, Upminster

Provision of new access driveways from Hall Lane with new access gates and railings to site frontage (Applications received 8th and 14th April 2011 with revised plans received 21st September 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

- Ensuring a clean, safe and green borough
- Championing education and learning for all
- Providing economic, social and cultural activity in thriving towns and villages
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

SUMMARY

This proposal relates to Upminster Court, a Grade II listed building on the western side of Hall Lane. Listed building consent and planning permission is sought for the creation of two new access driveways from Hall Lane and the creation of new gates, walling and railings to the site frontage. The formation of the two new access driveways and front boundary treatment is considered to be acceptable and would not, in staff's view, detract from the setting of the listed building nor its registered gardens.

In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to the satisfactory completion of a Section 106 Agreement and conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed under Section 106 of the Town and Country Planning Act 1990 (as amended) to include a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10th June 2010 pursuant to Planning Permission reference P2370.07.

Recommendation A – In relation to planning application P0529.11

That Staff be authorised to enter into a legal agreement to secure a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10th June 2010 pursuant to Planning Permission reference P2370.07 and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be

acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Materials – Full details of all materials, including samples, to be used in the construction of the boundary walling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: To preserve the character and integrity of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

4. Provision of sample panel - No work to construct the front boundary wall hereby permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (1 metre by 1 metre in area) which shall be approved in writing by the Local Planning Authority. The rebuilding of the wall shall be carried out in strict accordance with the agreed sample panel. Following completion of the development the sample panel can be removed.

Reason: To preserve the character and appearance of the Listed Building and its setting.

5. Method statement - Before any works to refurbish the listed gates and piers commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Method Statement. The Method Statement shall include details of the areas in which bricks will be replaced, and repairs to be undertaken to the limestone coping and detailing. It shall also include contact details for the contractor who will undertake repairs to the gates if they are to be removed from site. The works shall thereafter be carried out in accordance with the approved statement.

Reason: To preserve the character and appearance of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

6. Landscaping - Within three months from the date of this permission there shall be submitted to and approved by the Local Planning Authority a scheme of soft landscaping to mitigate for the loss of preserved trees. All planting, seeding or turfing comprised with the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

INFORMATIVES

1. The applicant is advised that in preparing the Method Statement as required by condition 5 above that only hand tools shall be used in the repair and repointing of the brick wall and limestone coping. Further advice in respect of the contents of the Method Statement can be obtained from the Borough's Heritage Officer.

2. Reason for Approval:

It is considered that the application satisfies the relevant criteria of Policies CP17, CP18, DC45, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in accordance with the provisions of Planning Policy Statement 5 - Planning for the Historic Environment.

2. Planning Obligations

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

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

Recommendation B – In relation to listed building consent L0008.11

That Staff be authorised to enter into a legal agreement to secure a Schedule of Works which will complement and be consistent with revised Schedule of Works as set out in the legal agreement completed on 10th June 2010 pursuant to Planning Permission reference P2370.07 and upon completion of that agreement, grant listed building consent subject to the conditions set out below.

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

3. Materials – Full details of all materials, including samples, to be used in the construction of the boundary walling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: To preserve the character and integrity of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

4. Provision of sample panel - No work to construct the front boundary wall hereby permitted by this consent shall take place until details of the proposed brick bond, mortar mix specification and pointing technique have been provided to the Local Planning Authority by means of a sample panel (1 metre by 1 metre in area) which shall be approved in writing by the Local Planning Authority. The rebuilding of the wall shall be carried out in strict accordance with the agreed sample panel. Following completion of the development the sample panel can be removed.

Reason: To preserve the character and appearance of the Listed Building and its setting.

5. Method statement - Before any works to refurbish the listed gates and piers commences, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Method Statement. The Method Statement shall include details of the areas in which bricks will be replaced, and repairs to be undertaken to the limestone coping and detailing. It shall also include contact details for the contractor who will undertake repairs to the gates if they are to be removed from site. The works shall thereafter be carried out in accordance with the approved statement.

Reason: To preserve the character and appearance of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. The applicant is advised that in preparing the Method Statement as required by condition 5 above that only hand tools shall be used in the repair and repointing of the brick wall and limestone coping. Further advice in respect of the contents of the Method Statement can be obtained from the Borough's Heritage Officer.

2. Reason for Approval:

It is considered that the application satisfies the relevant criteria of Policies CP17, CP18, DC45, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in accordance with the provisions of Planning Policy Statement 5 - Planning for the Historic Environment.

2. Planning Obligations

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

- (d) Necessary to make the development acceptable in planning terms;
- (e) Directly related to the development; and
- (f) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

1.1 Upminster Court is located on the western side of Hall Lane. It is bounded by River Drive to the north, open land to the west and Ruskin Avenue and Masefield Drive to the south. The site comprises approximately 2.7 hectares in total and forms part of the Metropolitan Green Belt.

1.2 Upminster Court, its Stable Block and the Entrance Piers and Gates are individually Grade II listed buildings; the Gardens are Grade II Registered. The house, outbuildings and gardens were designed as a piece by Professor Charles Reilly, and constructed in 1905-6. The property is a substantial country house in free English Renaissance style originally built as a private residence for the engineer and industrialist Arthur Williams – Director of Samuel Williams & Son Ltd, of Dagenham Dock. It was reportedly used as a Court House, and by 1939 its residential use had ceased and it was converted to offices. It was later used to house refugees during WWII. In 1946 the property was acquired by Essex County Council as Education Offices, and, although ownership transferred to Havering Council in 1965, this use continued until 1974 when it was converted to a

short stay Respite Care Home for Older People with borough nursery in the gardens.

- 1.3 The building was subsequently declared surplus to requirement in December 1990 with residents being transferred to other facilities. From around this time it was used as a training centre for London Borough of Havering staff until 2006 when the building closed and the Council disposed of the site.
- 1.4 The garden and grounds to Upminster Court are included on the Register of Parks and Gardens of special historic interest in England, recorded as Grade II and are the only statutorily registered gardens in Havering. The site is also subject to Tree Preservation Order 23/05.

2. Background Information

- 2.1 In July 2009 planning permission and listed building consent was granted for a change of use of Upminster Court to a mixed use of a training centre and associated overnight accommodation. In addition consent was also granted for a new subterranean office to the southern side of the main building, a change of use of the Coach House for manager's accommodation, the erection of a pair of semi-detached dwellings to the Hall Lane site frontage for staff use, tennis courts and other more minor works including the rebuilding of the front boundary wall. Work is currently ongoing on site but nearing completion.

3. Description of Proposal

- 3.1 This report concerns listed building consent application reference L0008.11 and planning application reference P0529.11.
- 3.2 Retrospective permission is sought for the formation of two new access driveways from Hall Lane into the site. The purpose of the new access driveways is to enable the introduction of an 'in' and 'out' access arrangement. The original access road adjacent to no. 131 Hall Lane has now been removed and the ground here is to be landscaped to provide a buffer to this property. A new access has been formed 13.5 metres from the southern site boundary. The access is 3.5 metres in width and runs for a length of approximately 40 metres from Hall Lane to join up with the internal roadway. The second new access drive is located approximately 47 metres from the northern site boundary and also has a width of 3.5 metres. The access runs for a length of approximately 48 metres from Hall Lane to join up with the internal roadway. In total there are four access roads into the site, two forming the 'in/out' access, the central drive is to be largely for decorative purposes and the existing roadway to the north end of the site which serves the Stable Block. The new access drives have been constructed in tar and chip 10mm aggregate with a 25mm loose aggregate finish.
- 3.3 Planning permission and listed building consent has previously been given for the partial demolition and replacement of the front boundary wall and

railings which is deemed to be structurally unsound. The main differences between these applications and those approved previously are that the front boundary railing design has been revised and the radius of the southern access drive where it joins the internal road has been increased. The mouth of the southern access drive has also been increased in width from that previously approved in order to improve access for service vehicles.

- 3.4 The proposed front boundary treatment would cover a length of approximately 175 metres and comprise sections of low wall of 0.4 metres in height topped by metal railings. Given a change in ground levels across the site the proposed front boundary wall and railings would be staggered in height stepping down with the levels from north to south. The proposed railings would have a maximum height of 2.1 metres and be topped with obelisk finials. At the point where the front boundary treatment would meet the access driveways the proposed railings would abut brick piers with copping stones of 2.6 metres in height. Metal gates would be provided between the brick piers with a height of 2.5 metres. The central historic entrance piers and gates (which are listed in their own right) would be retained.

4. Relevant History

- 4.1 L0018.07 and P2370.07 – Change of use of training centre to a mixed use of training centre and associated overnight accommodation comprising 12 no. bedrooms. Change of use and extension of Coach House to provide managers' accommodation and facilities ancillary to training centre. Demolition of existing bungalow and erection of a pair of semi detached dwellings with detached double garage for staff use. Provision of subterranean office accommodation at side of main building. Infill single storey extension to main building at front to provide refectory. Erection of new and rebuilding of existing greenhouse. Provision of 3 no. tennis and multi use games court. Resurfacing of car park. Alteration to access drives and internal roads. Rebuilding of front boundary wall and railings. Installation of boundary and security fencing – Approved.
- 4.2 L0001.10 and P0107.10 - Demolition of existing dwelling at No. 135 Hall Lane and construction of 2 no. detached bungalows adjacent to the Coach House. Provision of new access driveways from Hall Lane with new access gates and railings to site frontage – Refused
- 4.3 L0006.10 and P0681.10 - Provision of new access driveways form Hall Lane with new access gates and railings to site frontage - Approved

5. Consultations/Representations

- 5.1 The application was advertised and notification letters sent to 81 adjoining properties with no letters of representation being received.
- 5.2 English Heritage has advised that the application should be determined in accordance with national and local planning policy guidance.

- 5.3 The London Fire and Emergency Planning Authority advise that the access road width between the gate posts should be a minimum of 3.1 metres. The proposal indicates a width of 3.2 metres.

6. Relevant Policies

- 6.1 Policies CP17 (design), CP18 (heritage), DC32 (the road network), DC33 (car parking), DC36 (servicing), DC45 (green belt), DC58 (biodiversity), DC60 (trees and woodland), DC61 (urban design), DC63 (safer places) and DC67 (buildings of heritage interest) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 6.2 Policies 7.4 (local character), 7.8 (heritage assets and archaeology), 7.16 (green belt) and 7.19 biodiversity and access to nature) of the London Plan are relevant.
- 6.3 National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 2 'Green Belts' and Planning Policy Statement 5 'Planning for the Historic Environment' is also relevant.

7. Staff Comments

- 7.1 This proposal is put before the Committee due to a deed of variation being required for a previous Section 106 legal agreement. The main issues to be considered by Members in this case are the impact upon the character and setting of the listed building, the loss of trees, the character and appearance of the Green Belt, the street scene and adjoining residential occupiers together with highways issues.
- 7.2 Listed Building Implications
- 7.2.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. 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.
- 7.2.2 The setting of a listed building is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. As explained in further detail in the site description section of this report, the house, stables and gardens date from 1905 and were designed as one piece. Although some elements of the original design were not built or have been altered over time, the essential character of the site remains: a substantial country house set within its own gardens with ancillary structures planned and built as one.
- 7.2.3 This application seeks permission for the retention of new access driveways into the site from Hall Lane which have enabled the introduction of an 'in'

and 'out' access arrangement. The original access road adjacent to no. 131 Hall Lane has now been removed and the ground here is to be landscaped to provide a buffer to this property. A new access, to replace the original one, has been formed 13.5 metres from the southern site boundary. A further new access drive has been constructed approximately 47 metres from the northern site boundary. Whilst it is acknowledged that the new access driveways have altered the existing appearance of the front portion of the site Members previously judged that this does not adversely affect the listed building, its setting or the surrounding the historic gardens. The access roads whilst not an original feature of the site, in staff's view suitably maintain the character and appearance of the site as their formation complements the original site layout and design.

7.2.4 As stated above this application varies from those previously approved in that the radius of the southern access drive where it joins the internal road has been increased. The mouth of the southern access drive has also been increased in width from that previously approved in order to improve for access service vehicles. Staff are of the view that the differences from the previous approval are acceptable and would not be harmful in listed buildings terms.

7.2.5 The removal of the existing front boundary walling and railings and their replacement has previously been found to be acceptable owing to their structurally unsound condition. The proposed boundary walling and railings would be of a different design as those previously approved under application references P2370.07 and L0018.07. Research carried out by the applicant with regards to boundary treatments of the period within which Upminster Court was built has informed the design of the replacement wall and railing. The design and layout of the proposed boundary treatment is considered to be acceptable and would respect the historic origins of the site. The central historic entrance piers and gates (which are listed in their own right) would be retained as part of this proposal and permission has previously been given for their repair.

7.3 Planning Implications

7.3.1 For a number of years the main vehicular access into the site was via a roadway to the southern end of the site adjacent to no. 131 Hall Lane. This roadway has recently been removed and used to pass into the site in close proximity to the flank wall and garden area of no. 131. Given the proximity of this access road to the neighbouring property it used to result in some disturbance from vehicle noise. The formation of a new access road further away from no. 131 is judged to have improved the situation with regard to noise disturbance. The submitted plans indicate that the ground where the original access road passed will be soft landscaped thus providing a decent buffer which would help to reduce the impact of passing vehicles. In other respects the newly formed access roads would not result in any further amenity implications.

7.3.2 The application site is subject to a Tree Preservation Order. The access road to the northern end of the site has resulted in the removal of one

mature lime tree protected by TPO. The tree formed part of a group (G4) of limes fronting the driveway adjacent to the refectory area to the northern side of the house. Permission to remove the tree was given via the previous planning application (P0681.10). Although the trunk of the tree was outside of the roadway the Council's Tree Officer took the view that the close proximity of the roadway would have probably resulted in the tree dying.

- 7.3.3 To the southern end of the site the newly formed driveway has been positioned to protect the group of mature lime trees in group G9 running in a row parallel to the boundary in an east to west direction. The road has however resulted in the loss of a single mature lime tree within group G8 and three individual smaller trees (a rowan T20, a walnut T21 and a cherry T29). The loss of these trees was considered as part of the previous application and judged to be acceptable.
- 7.3.4 The position of the new access roads was chosen to purposely reduce the impact on trees and staff are of the view that the routes adopted into the site are the most appropriate in this respect. The chosen route of each road is such that no mature trees have been lost to the site frontage. The two mature lime trees which have been lost are positioned towards the centre of the site and as such their removal has resulted in a minimal impact on public amenity. As part of the wider planning permission for the site (P2370.07) there was a requirement that the applicant produce and implement a landscaping scheme and a longer term management plan for the grounds. In addition to the wider landscaping scheme staff are of the view that it is reasonable to impose a planning condition to specifically seek replacement planting to mitigate for the trees already removed as a result of the new access roads being constructed.
- 7.3.5 The whole of Upminster Court and its grounds are located within the Metropolitan Green Belt where there is a general presumption against inappropriate development. The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. According to PPG 2, the carrying out of engineering operations are inappropriate development unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt. Where development is considered inappropriate, very special circumstances should be put forward to justify the development in the Green Belt. This proposal seeks retrospective permission for the formation of two new access roads which is an engineering operation which is not specifically listed in PPG 2 within the categories of development deemed to be appropriate in the Green Belt. As such, very special circumstances are required to justify what would otherwise be inappropriate development, together with any other harm which may arise (such as visual harm for example). PPG 2 advises that such circumstances will only exist where the in principle inappropriateness and any other identified harm are clearly outweighed by material considerations.
- 7.3.6 In granting planning permission and listed building consent for the wider redevelopment of the site (application reference L0018.07 & P2370.07) Members considered the following formed very special circumstances in

green belt terms. Firstly the applicant put forward a case that the proposal would reuse a listed building and result in significant improvement to its appearance and general condition. Work in this respect is currently ongoing on site and will eventually result in the restoration of the entire building along with the removal of many unsympathetic alterations carried out prior to the listing of the buildings in 1979. The second component of the very special circumstances case for the wider permission concerned the applicant's intention to produce and implement a landscape management plan for the historic gardens. The production of this plan was secured via a legal agreement and has been agreed. Staff are of the view that the implementation of this management plan will ensure that the presently neglected gardens are returned to their original glory.

7.3.7 Staff are of the view that the reconfiguration of the access roads will contribute to the above by supporting the long term reuse of the site. The new driveway configuration will also enable the applicant to improve the existing access arrangements in a manner which will improve highway safety onto Hall Lane, circulation within the site and servicing by larger vehicles. Having regard to the above staff consider that a sufficient case of very special circumstances exist to grant permission. Indeed Members accepted this case of very special circumstances in approving the previous application.

7.3.8 The proposal would see the existing front boundary wall and railings rebuilt. In view of this and the fact that permission has already been granted for a similar proposal staff are of the view that this aspect of the application would not pose a greater impact on the character or openness of the Green Belt.

7.3.9 The alteration of the access arrangements to provide an 'in' and 'out' drive has resulted in an improvement on the previous situation in highway terms. The application raises no other highway issues with suitable visibility splays being shown beyond the proposed front boundary treatment.

7.3.10 The replacement of the existing front boundary wall and railings would, in staff's view, pose no greater impact on the street scene or neighbouring residential properties than that previously approved.

8. Conclusion

8.1 Having regard to all relevant factors and material planning considerations staff are of the view that these applications seeking retrospective permission for the newly formed access driveways and proposed replacement front boundary treatment are acceptable. Staff are of the view that the proposal would not be materially harmful to the setting of Upminster Court nor the wider area. The new driveways have resulted in the loss of several trees from within the site although this was previously judged to be acceptable and can be mitigated through replacement planting elsewhere on the site. The proposal is considered to be acceptable in all other respects and it is therefore recommended that listed building consent and planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms, plans and supporting statements received on 8th and 14th April 2011 with revised plans received 21st September 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 November 2011

Subject Heading:

P0695.11 – Haydock Close, Hornchurch

Construction of 2 No. semi-detached dwellings and 2 No. detached dwellings.

(Application received 9th May 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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Value and enhance the life of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to vacant Council owned land. The application proposes the redevelopment of the site for the erection of 2 No. semi-detached dwellings and 2 No. detached 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) Parking standards: 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) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:

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

4) 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. The scheme shall include planting along the rear boundary of the site within the park. 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

5) Screen Fencing: Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 1.8 metres high shall be erected to the western, southern and eastern boundaries of the site and to those boundaries of the proposed properties in order to separate amenity areas as indicated on Drawing No. 2621_PL01A, and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

6) 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.

7) 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.

8) 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

9) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made on Plot 1 to 5 for 2 x No. cycle storage spaces to each plot in accordance with the approved plans (Drawing Nr. 8430-18A-1000, received 7th September 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.

10) 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.

11) 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.

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

Reason:

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

14) Highway Licence: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason:

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

15) Access: The buildings shall not be occupied until a means of vehicular / pedestrian / cycle access has been constructed in accordance with the approved plans.

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.

16) 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.

16) 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

17) Tree Protection: The development hereby permitted shall be carried out in complete accordance with the submitted arboricultural report and detail as set out in the "Preliminary Method Statement for Tree Protection Measures" and Drawing No. 2621_PL01 in order to protect the supporting roots of those trees close to the proposals. In the event of any supporting roots being uncovered during the construction of the development, further details shall be submitted to and approved writing by the Local Planning Authority, as to how the stability and health of the tree will be maintained.

Reason:

In order to protect the trees and vegetation towards the eastern boundary.

18) Bat Roosting: Prior to commencement of the development hereby permitted, details of bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments) of the LDF Development Control Policies Development Plan Document and Policy 7.19 (Biodiversity and Access to Nature) of the London Plan (2011).

19) External Lighting: There shall be no light spill into the adjacent open space to the south of the site. To achieve this any lighting levels within 8 metres of the southern and south-eastern boundaries of the site should be maintained at background levels equivalent to a Lux level of 0-2.

Reason:

In order to limit disturbance to wildlife/habitat from artificial light in accordance with Policy DC56 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

20) Clearing of Site: No clearance works or tree felling shall be undertaken between March and July unless a nesting bird survey has previously been undertaken and details of proposed remedial actions been submitted to, and agreed in writing by, the Local Planning Authority, if nesting birds are observed. The development shall then be carried out in accordance with the agreed details.

Reason:

In the interests of maintaining biodiversity and to accord with Policy DC58 of the LDF Development Control Policies Development Plan Document.

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.
6. In aiming to satisfy Condition 16 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).

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 application site is located towards the end of a cul-de-sac towards the south of Haydock Close. The site is rectangular in shape and measures approximately 820sq metres. The application site is densely vegetated and overgrown with shrubs and trees. The majority of the site falls within Flood Zone 1.
- 1.2 Directly south of the site is an area designated as parks, open spaces and allotments. This area also forms part of the Metropolitan Green Belt, Thames Chase Community Forest and falls within Flood Zone 3.

- 1.3 The character of the surrounding area is mainly 2-storey residential dwellings towards the west along Haydock Close. Towards the north of the site is Hacton Social Hall and approximately 25m east is Hacton Lane.
- 1.4 Access to the site is via Haydock Close.

2. Description of Proposal

- 2.1 The Council is in receipt of a planning application seeking permission for the construction of 2 semi-detached and 2 detached dwellings.
- 2.2 The semi-detached dwellings would be to the western side of the site, approximately 4.8m from the edge of Haydock Close, 2m from its western boundary and 9.6m from the southern boundary. The dwellings would face north, towards Haydock Close.
- 2.3 Each dwelling would measure 5.4m in width, 8.1m in depth and 8.2m in height to the top of its pitched roof. Windows would generally be arranged towards the front (north) and rear (south) and one of the dwellings would have a bay window with gable feature towards the front. There would be no flank wall windows on 1st floor level. The ground floor layout would comprise a kitchen, WC., living / dining room and on 1st floor level would be 3 bedrooms and a bathroom.
- 2.4 The 2 detached dwellings would be towards the north-eastern end of the site, facing west towards Haydock Close. To the north, there would be a 500mm separation distance between the dwelling and site boundary at its pinch point. The dwelling towards the north, "House Type D" would be the smaller of the 2, measuring 4.9m in width by 8m in depth. It would have a height of 8.1m to the top of its pitched roof. "House Type C" would measure 5.7m in width by 8m in depth. It would have a height of 8.2m to the top of a pitched roof. Both dwellings would have a kitchen, WC., and living / dining room area at ground floor level. House Type C would have 3 bedrooms and a bathroom at 1st floor level and House Type D would have 2 bedrooms and a bathroom. Both dwellings would have a bay window with gable feature towards the front. Windows and doors would generally face Haydock Close (towards the west) and the rear (east) of the site. No flank wall windows are proposed on 1st floor level.
- 2.5 Amenity space would be provided towards the rear of each dwelling and would range between 89sq metres to 102sq metres each. Parking for House Type A would be towards the front (2 spaces). Parking for House Type B and C would be between these 2 dwellings and parking for House Type D would be between House Type D and C. There would be 8 spaces in total, 2 per dwelling.
- 2.6 The drawings indicate some trees on the site to be removed and also root protection areas around those which will be retained.

3. Relevant History

3.1 No relevant history.

4. Consultations/Representations

4.1 Notification letters were sent to 19 neighbouring properties with 10 letters of objection received. Objections were raised in respect of the following:

- detrimental to the existing outlook
- loss of privacy
- loss of 6 parking spaces
- increase in noise
- access and parking problems
- construction related disruptions
- access for service vehicles will be problematic
- detrimental impact on adjacent green belt and trees
- already congested because of activities at Social Hall

4.2 Ecology / Biodiversity – no significant issues are raised and the proposal is considered acceptable subject to conditions.

5. Relevant Policies

5.1 Local Development Framework:

Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP1 (Housing Supply), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC2 (Housing mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC48 (Flood Risk), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees and Woodlands), DC61 (Urban Design) and DC63 (Crime).

5.2 London Plan (2011):

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), 5.10 (Urban Greening), 5.12 (Flood Risk Management), 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), 7.6 (Architecture), 7.18 (Protecting Local Open Space and Addressing Local Deficiency), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

5.3 Other:

Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note 13 (Transport) and Planning Policy Guidance Note 24 (Planning and Noise).

6. Staff Comments

6.1 The issues to be considered in this case are the principle of the development, the design and scale of the proposed dwellings, its impact in the street scene and upon the residential amenities of neighbouring properties, impact on parking/highways.

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. Although the site is currently undeveloped, it is not a site of Importance for Nature Conservation and it is not considered as “rear garden” land as identified in the recently revised Planning Policy Statement 3: *Housing* (PPS 3).

6.2.2 The principle of residential development is considered acceptable in land-use terms and the provision of additional housing acceptable as the application site is within an established urban area.

6.2.3 Policy 3A.5 of the London Plan 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.

6.2.4 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.

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 The site is currently undeveloped with dense vegetation and mature trees and shrubs. The site is however inaccessible to the public due to it being

overgrown. The proposal would see the erection of 4 x dwellings with associated rear gardens. The proposed amenity areas would range between 89 and 102sq metres. Amenity to all dwellings would mainly be towards the rear with a degree of amenity provided to the side of House Types B and C. Although no indication has been given in terms of boundary treatment, such details can be required by means of appropriate planning conditions.

6.3.3 There is no potential for overlooking towards the proposed amenity areas and privacy can be secured by means of screen fencing and appropriate planting in the form of trees and hedges which will improve privacy to future occupiers. The proposal would result in plot sizes which would be consistent with other properties along Haydock Close and would not be out of character with the surrounding area. The application site has a wide frontage to Haydock Close which would enable the proposed dwellings to be set back from the site boundaries to a degree which would be consistent with other properties along this road.

6.3.4 The proposed properties would have garden spaces that are of adequate depth and size. It is also considered that the location of the amenity space in this position would provide an appropriate private useable space.

6.3.5 Overall, Staff are of the opinion that the proposed amenity space would be adequate as it would be of an acceptable size, located towards the rear of the dwelling and available for private use by the occupants. The amenity space provision is therefore considered to be consistent with the provisions of the Residential Design SPD.

6.3.6 The subject site covers an area of approximately 0.82 ha and the preferred density range for this area is 30 – 50 units per hectare. The proposal would result in a density on the site of approximately 48 units per hectare which is within the recommended density range and therefore acceptable in principle.

6.3.7 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling 7m towards the west. It is considered that the proposed dwellings would have sufficient spacing between the site boundaries and between buildings to not appear cramped or overdeveloped. The dwellings would have a sufficient set-back from the edge of Haydock Close. The general layout and relationship with surrounding properties are 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 at the end of a cul-de-sac and would therefore only be visible when the end of the close is approached. The semi-detached pair would be set back from the edge of Haydock Close by approximately 5.1m. The buildings would also be set behind the building line of dwellings towards the west. The detached dwellings would face west towards Haydock Close, however these dwellings would be set back from the edge of the highway by approximately 12m. Staff are of the opinion that due to the layout and positioning of the proposals on the site, they would not appear as prominent features in the street scene.
- 6.4.3 Irrespective of the proposal's negligible impact on the street scene, Staff consider their design to blend in with the overall character of other dwellings in the vicinity. The proposals would not be overly bulky or visually obtrusive and are considered to be acceptable in terms of their appearance in the street scene.
- 6.4.4 The site is currently densely vegetated and a large degree of vegetation will be removed to accommodate the proposed development. Although this will give the site a more exposed appearance, conditions can be imposed requiring an appropriate level of landscaping on the site, softening the appearance of the development.
- 6.4.5 Overall, the proposals are considered to be acceptable in terms of their design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

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 semi-detached dwellings would be approximately 9.6m from the closest neighbour towards the west at its pinch point. House Type A (the dwelling closest to this neighbour) would not have any flank wall windows on first floor level and as such there would be no potential for overlooking. The proposal is far enough from this neighbour to prevent any overshadowing.
- 6.5.3 With regards to the proposal's proximity to the social club and the club's potential impact on future occupiers, it was noted upon site inspection that this building is single storey in height and has low-level windows. With appropriate screen fencing and vegetation, it is not considered that any overlooking would occur. Notice is given to the fact that the social club would be close to Unit D and may potentially have a noise impact on the amenities of this neighbour. Staff are however of the opinion that there is a

“buyers beware” situation in this instance and living in this unit would be a matter of choice for future occupiers.

- 6.5.4 There are no other neighbouring properties within close proximity which would be affected by the proposal. The development of 4 new family dwellings is not considered to give rise to any noise and disturbance to a degree which would be unacceptable to neighbouring occupiers.
- 6.5.5 Noise and disturbance as a result of construction works will be controlled by means of imposing a condition to restrict construction hours within reasonable hours.
- 6.5.6 The majority of objections raised were in respect of parking and access problems. These issues will be discussed in more detail below under “Highway / Parking Issues”.
- 6.5.7 Overall the proposal is considered acceptable in terms of its impact on neighbouring amenity. There would be no overlooking, overshadowing or any other harmful impact on the amenities of existing neighbours in the vicinity.

6.6 Highways / Parking Issues

- 6.6.1 The site falls within a suburban part of the Borough with a PTAL zone (Public Transport Accessibility Level) rating of 1-2 (suburban low). As a result of the site’s location in relation to other retail, services and public transport, the proposal to construct 4 No. dwellings would require the provision of 2 – 1.5 No. off-street car parking spaces per dwelling as per the density matrix in Policy DC2 of the Local Development Framework. The proposal indicates the provision 8 parking spaces which would be 2 spaces to each unit. This arrangement would be sufficient to comply with the off-street parking requirements.
- 6.6.2 Concerns raised in objections relates to Haydock Close already being congested in particular when there are activities at the social club. Concerns were also raised that the proposal would result in the loss of 6 parking spaces. The proposal would however make use of the existing crossover and as such, there would be no loss in the existing availability of on-street parking spaces. The proposal would introduce an additional 8 spaces, and would therefore not add to parking pressures along Haydock Close.
- 6.6.3 In terms of access to service vehicles, the proposal is at the end of an existing close and would therefore be similar compared to the existing situation. Although there would be 4 more dwellings, each dwelling has its own off-street parking provision and would therefore not result in a more congested street. Access for service vehicles would therefore remain unchanged.

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. A condition can further be imposed requiring the applicant to indicate refuse collection areas.

6.7.2 Following comments from the Council's Crime Prevention Design Advisor (CPDA), amendments were made to the original drawings to provide better surveillance to the off-street parking provision between House Type C and D. This has been achieved by providing windows on ground floor level overlooking the parking areas. No objections are raised by the Council's CPDA as the proposal meets Secured by Design Standards.

6.8 Trees

6.8.1 With regards to the loss of trees and vegetation on the site. Whilst the site is adjacent Green Belt land, it does not in itself form part of the Green Belt. The site is not designated as a Site of Importance for Nature Conservation, falls within a Conservation Area or has any Tree Preservation Orders on any of the trees. The trees are currently unmanaged and the site inaccessible to the public due to it being heavily overgrown.

6.8.2 The Arboricultural report submitted in support of the application indicates that all trees on the site will have to be removed in order to facilitate the proposed development. The report includes a method statement for excavation works indicating how the trees and roots of the retained trees will be protected during construction works. The tree protection works are also indicated on the proposed site plan (Drawing Nr. 2621_PL01). The root and tree protection zones will be for those trees just outside, but close to the boundaries of the site. No objections are raised by the Council's Tree Officer. Replacement planting of trees and soft landscaping can be controlled by means of appropriate planning conditions.

6.9 Ecology / Biodiversity

6.9.1 The applicant submitted a wildlife / protected species report. The report concludes that no evidence of protected species have been found on the site itself, although the site forms part of a much larger "wildlife corridor". It is therefore recommended that all vegetation on the site is removed carefully and that the bramble shall be removed outside of the bird nesting season.

6.9.2 The Council's advice is that due to the River Ingrebourne and un-interrupted views towards the river, any lighting should be directed away from the river corridor. It is also suggested that a natural screening be planted on the boundary with the park. It is further advised that a number of bat bricks should be incorporated in the fabric of the building. These recommendations will be secured by means of appropriate planning conditions.

6.10 Flood Zone

- 6.10.1 The majority of the site is located in a Flood Zone 1. The applicant submitted a Flood Risk Assessment which concludes that the development is unaffected by the 1 in 100 year flood level or the 1 in 1000 year flood level, including an allowance for climate change over the life of the development. Safe access to the site is directly available to the Zone 1, low flood risk area to the north.
- 6.10.2 The applicant put forward a case for a sequential test, indicating that an alternative location in Zone 1 would be impractical.
- 6.10.3 The response from the Environment Agency indicates that comparing the modelled flood levels with the topographical survey, the submitted Flood Risk Assessment shows that the majority of the site is within Flood Zone 1. In light of this, and the fact that the site is less than 1ha in size, the Environment Agency raised no objections in respect of the proposal. It is however advised that the applicant should still comply with guidance on surface water drainage. This can be controlled by means of appropriate conditions.

7. Conclusion

- 7.1 Overall, it is considered that the proposed dwellings by reason of their design, scale and siting, would result in an acceptable development within the street scene. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any highway or parking issues would arise as a result of the proposal. The proposal meets Secured by Design standards. The development is not considered to result in an increased risk of flooding. The loss of trees on the site is considered acceptable in this instance, subject to appropriate replacement landscaping. No adverse biodiversity or ecological issues are raised and subject to implementation of acceptable conditions, this part of the proposal is considered acceptable.
- 7.2 Staff therefore consider the development to integrate acceptably with the surrounding area, complying with Policies DC2 (Housing mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC48 (Flood Risk), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees and Woodlands), DC61 (Urban Design) and DC63 (Crime) and the provisions of the LDF Development Plan Document. Approval is recommended accordingly, subject to conditions.

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 9th May 2011.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 November 2011

Subject Heading:

P1162.11 – Langtons Gardens, Billet Lane, Hornchurch

The construction of a new end of lake feature wall (Application received 29th July 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This application relates to the gardens of Langtons, a group of individually Grade II listed buildings located in the heart of Hornchurch and within the Langtons Conservation Area. Planning permission is sought for the construction of a new

end of lake feature wall to replace an existing wall, which is to be removed. The proposed feature wall would appear as a mock bridge is intended to replace an existing unattractive modern structure. The proposed works, in staff's view, are of an acceptable design and would not detract from the setting of nearby listed buildings. It is also considered that the proposal would enhance the appearance of the Langtons Conservation Area. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the applications is therefore recommended, subject to conditions.

RECOMMENDATIONS

That planning permission is granted subject to the conditions set out below.

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

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

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

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

3. Materials – Full details of all materials, including samples, to be used in the construction of the feature wall hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: To preserve the character and integrity of the listed buildings, in accordance with Policy DC67 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP17, CP18, DC61, DC67 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in accordance with the provisions of Planning Policy Statement 5 'Planning for the Historic Environment'.

REPORT DETAIL

1. Site Description

Langtons was built around 1760 on the site of an earlier house. Langtons consists of the main house, which stands in a picturesque garden, within which stand several C18th garden buildings - an orangery, gazebo, and stable block. The house and garden buildings are all individually Grade II Listed. Today Langtons Gardens or Park as it is locally known can be described as a mature landscape with a tree lined path around a serpentine lake, leading to an open space in front of the house. This proposal concerns a portion of the Gardens located to the westernmost end of the lake directly to the rear and north of nos. 28 & 30 Keswick Avenue. A concrete end of lake feature wall presently occupies the application site.

3. Description of Proposal

- 3.1 Planning permission is sought for the construction of a new end of lake feature wall to replace an existing wall, which is to be removed. The proposed wall would be sited on an almost identical footprint to the existing wall and would have the appearance of a mock bridge. The proposed wall would measure 11 metres in width and have a varying overall height. At the centre point the proposed feature wall would be 2.3 metres in height from the level of the lake or 1.4 metres above ground level. The proposed wall is to be clad in Kentish Ragstone rubble.

4. Relevant History

- 4.1 There is no planning history relevant to this current application.

5. Consultations/Representations

- 5.1 The application was advertised and notification letters sent to 60 adjoining properties with no letters of representation being received.
- 5.2 English Heritage supports the proposal and are of the view that the design of the structure is appropriate. It is requested that details of materials are sought via a planning condition in the event that planning permission is granted.

6. Relevant Policies

- 6.1 Policies CP17 (design), CP18 (heritage), DC58 (biodiversity), DC60 (trees and woodland), DC61 (urban design), DC67 (buildings of heritage interest) and DC68 (conservation areas) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 6.2 Policies 7.4 (local character) and 7.8 (heritage assets and archaeology) of the London Plan are relevant.
- 6.3 National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 5 'Planning for the Historic Environment' is also relevant.

7. Staff Comments

- 7.1 This application is put before the Committee as it concerns Council owned land and has been submitted by a Council Service. The main issues to be considered by Members in this case are the impact upon the character and setting of nearby listed buildings and the Langtons Conservation Area.
- 7.2 According to the early plans that exist of Langtons the serpentine lake was created around 1800. The current retaining feature wall at the western end of the lake, which is to be removed, was constructed in the 1970s and is of modern concrete construction. The existing wall is judged to be unattractive and detracts from this part of the Langtons Gardens. In view of this staff raise no objection to the removal of the existing wall and its replacement. No documentary or illustrative evidence has been found of the original structure that existed in this location. Notwithstanding this, in order to ensure that the proposed feature wall is appropriate within its setting research has been undertaken by the applicant of similar structures on country estates. The design of the proposed feature wall has therefore been derived to specifically ensure that it is appropriate for the era of the house and gardens.
- 7.3 The proposed feature wall would be sited on an almost identical footprint to the existing wall. The wall would have the appearance of a mock bridge. The proposed wall would have a large central arch with a recessed wall to the rear. The rear wall would be set back from the main wall fronting the lake and is to be dark in colour in order to give the impression of depth to the opening. The proposed wall would feature two side arches also set back from the main wall.
- 7.4 In addition to the site being within the Conservation Area the proposed feature wall would be within close proximity of three statutory listed heritage assets, namely Langtons House, the orangery and gazebo. Staff are of the view that the proposed replacement wall feature would be of suitable design and siting. Staff are of the view that this proposal presents an opportunity to improve the appearance of part of the Langtons Gardens which in turn

would enhance the character and appearance of this portion of the Conservation Area. Staff are also of the view that the proposal would not adversely affect the setting of the nearby listed buildings.

- 7.5 The proposed works to the gardens are judged to be acceptable in planning terms and would not have an adverse affect on the street scene or the wider environment. The proposal would not have an adverse impact on the existing trees within the Garden nor adversely affect the biodiversity value of the lake.
- 7.6 The siting and scale of the proposed feature wall is such that it would not have an adverse impact on the amenity of nearby occupiers.
- 7.7 The proposed works would not create any parking or highways issues.

8. Conclusion

- 8.1 This application relates to the construction of a replacement wall feature to the end of the lake within Langtons Gardens. The proposed wall, in staff's view, is of an acceptable design and would not detract from the setting of nearby listed buildings. It is also judged that the proposal would enhance the appearance of the Langtons Conservation Area. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal would improve one aspect of the Langtons Gardens, which is open to all members of the community as a public park. The proposal would not adversely affect accessibility.

BACKGROUND PAPERS

Application form, plans and supporting statement received on 29th July 2011.

REGULATORY SERVICES COMMITTEE

3 November 2011

REPORT

Subject Heading:

**P1220.11 – Unit C, Eastern Avenue
Retail Park, Romford**

**Variation of condition 4 of planning
permission P1385.01 to allow a wider
range of retail goods to be sold at Unit
C**

(Application received 8th August 2011.

Report Author and contact details:

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

Policy context:

**Local Development Framework,
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The proposal is for a variation of condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at Unit C on the Eastern Avenue Retail Park. The proposal is to allow open A1 retailing at Unit C with limited retailing of food and drink products.

Staff recommend that planning permission be granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 22nd February 2002 in respect of planning permission P1385.01 by varying the definition of Planning Permission which shall mean either planning permission P1385.01 as originally granted or planning permission P1385.01 as altered by planning permission under reference P1220.11 subject to a variation of condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at the application site pursuant to the Planning Permission.

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

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

Reason:

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

2) Opening Hours: Unit C shall not trade other than between the hours of 8am to 8pm on Mondays to Saturdays and 10am to 5pm on Sundays, Bank and Public Holidays.

Reason:

To enable the Local Planning Authority to retain control and in the interests of amenity.

3) Restriction of use: Unit C shall be used for open A1 retailing where no more than 20% (360sq.m) of the gross floorspace of this Unit shall be used for the sale

of food (excluding fresh and frozen goods) and drink products. No fresh or frozen goods shall be sold without prior consent in writing from the Local Planning Authority.

Reason:

To enable the Local Planning Authority to exercise control over any future use not forming part of the application.

4) Cycle storage: Prior to the first occupation of the unit for the purposes 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.

5) Travel Plan: Prior to the first occupation of the unit for the purposes hereby permitted, the finalised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be monitored for a period of 1 year from the date of this permission and the results submitted in writing to the Local Planning Authority.

Reason:

In the interests of encouraging safe and sustainable modes of travel and to accord with Policy DC32 of the LDF Development Control Policies Development Plan Document.

6) Deliveries and Services: Prior to the first occupation of the unit for the purposes hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the DSP shall be implemented in strict accordance with the details approved by the LPA for the duration of the development hereby permitted.

Reason:

In the interests of encouraging safe and sustainable modes of travel and to accord with Policy DC32 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP3 and CP17 of the Core Strategy and Policies DC9, DC33, DC61 and

DC72 of the LDF Development Control Policies Development Plan Document. The proposal is also compliant with Policy 2.17 of the London Plan (2011).

2. Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the southern side of Eastern Avenue West (A12) and forms part of an existing retail park which is accessed from the A12. The application site relates to Unit C which is vacant at present and was previously occupied by MFI. Unit C measures 1858sq.m and is the last unit to the western side of the retail park.
- 1.2 The remainder of the retail park comprises 4 units which are currently occupied by Currys, PC World, Burger King and Car Phone Warehouse. The retail park comprises a total of 8679sq.m. The site is designated as an Out of Town Centre location according to Policy DC15 of the LDF.
- 1.3 The character of the surrounding area is varied with mainly commercial units along the A12 and residential properties to the south of the application site.

2. Description of Proposal

- 2.1 The Council is in receipt of an application seeking planning permission for a variation on condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at Unit C.
- 2.2 The proposal is to allow open A1 retailing at Unit C with limited retailing of food and drink products.

2.3 The current permission for units A, B, C and E restricts the use to retail warehousing for the sale in any combination of DIY goods, furniture and furnishing, carpets and floor covering, motor accessories, cycles and cycle parts and accessories, gas and electrical goods and appliances, pets, pet food and pet products, office equipment and other associated products, footwear and sports apparatus and other ancillary products and for no other purpose including specifically the sale of food and other uses falling within Class A1. The application seeks permission to enable Unit C to be used for open A1 retailing with limited food and drink products and no fresh or frozen goods. The applicant has indicated that they are willing to accept a condition to restrict the floorspace set aside for the sale of food and drink products.

2.4 The applicant has submitted a Planning Statement, Sequential Test, Transport Assessment and Travel Plan in support of the application.

3. Planning History

3.1 P1469.97 - The redevelopment of existing industrial buildings and yards for retail warehousing with associated servicing, parking and landscaping – Approved.

3.2 P1385.01 - Amendments to planning permission P1469.97 (i) to amend the approved layout of buildings, (ii) to use (new unit D for A3 purposes, (iii) to amend the landscaping details – Approved.

4. Consultations/Representations

4.1 Neighbour notification letters have been sent to 73 neighbouring properties. No letters of representation have been received.

4.2 The Borough's Crime Prevention Design Advisor raised no objections.

4.3 No objections raised by TFL, subject to appropriate conditions.

5. Relevant Policies

LDF Core Strategy Development Plan Document

CP3 – Employment

CP4 – Town Centres

CP9 – Reducing the need to Travel

CP10 – Sustainable Transport

LDF Development Control Policies Development Plan Document

DC15 – Locating Retail and Service Development

DC16 – Core and Fringe Frontages in District and Local Centres

DC32 – The Road Network

DC33 – Car parking

DC34 – Walking
DC35 – Cycling
DC36 – Servicing
DC61 – Urban design
DC62 – Access
DC72 – Planning Obligations

5.3 The London Plan (2011)

2.15 (Town Centres)
4.1 (Developing London's Economy)
4.7 (Retail and Town Centre Development)
4.8 (Supporting a Successful and Diverse Retail Sector)
4.11 (Encouraging a Connected Economy)
6.3 (Assessing Effects of Development on Transport Capacity)
6.9 (Cycling)
6.10 (Walking)
6.13 (Parking)

5.4 Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Guidance Note 13 – Transport

6. Staff Comments

6.1 The main issue for consideration in this instance is the principle of the variation of condition 4 of planning permission P1385.01, its impact on neighbouring amenity and the impact of the proposal on parking / highway issues.

6.2 Principle of Development

6.2.1 The application site falls outside of the Romford Town Centre, approximately 1 km north-west, along Eastern Avenue West (A12). According to Policy DC15 planning permission for retail and service development over 200 sq metres will only be granted where the sequential test is satisfied. It is acknowledged that the use is already a retail unit however, when permission was originally granted, the range of retail goods to be sold at the premises were restricted to safeguard the vitality and viability of the general retail in the Romford town centre. The application site is an out of town centre location and the purpose of this application is to seek permission for Unit C to be used for open retail which would be similar to other uses in town centre locations.

6.2.2 Applicants should first thoroughly assess the availability of sites within the primary shopping area (Romford Town Centre) before considering other sites on the edge or out of centre. As a result the applicant has put forward a comprehensive retail study, providing evidence that the subject property is

sequentially the most preferable site. In doing so, the applicant has demonstrated that in seeking to find an appropriate site, consideration has been given to the scale and format of the development in devising the business model and the level of car parking provision available.

6.2.3 The intention of the sequential test as described in PPS4 is to promote town centre vitality and viability by focussing development in town centres. PPS4 further states that all options in the centre should be thoroughly assessed before less central sites are considered for development. The sequential approach requires that locations are considered in the following order:

- first, locations in appropriate existing centres;
- edge-of-centre locations; and then
- out-of-centre sites.

6.2.4 The assessment considered sites which can potentially accommodate approximately 1860sq.m of floorspace, located on a site within or on the edge of Romford town centre and a site which can provide adequate car parking and servicing arrangements. Amongst those considered were Rom Valley, Roneo Corner, Harold Hill Industrial Estate and Gallows Corner retail park. None of these sites were considered adequate for reasons given in the sequential test.

6.2.5 A detailed assessment was also undertaken investigating 16 sites located within the town centre, edge of centre and appropriate out of centre locations. The assessment has shown that there are no alternative sequentially preferable sites that are available, suitable or viable for the proposed retail use of Unit C.

6.2.6 Sites which have been assessed are all sites which comply with the applicant's required 1800sq.m floor area and which can provide dedicated car parking and adequate service arrangements. All sites identified were analysed in line with PPS4 principles and Policy DC15. The sequential test identified that the application site is the only available property which meets all the minimum criteria as well as being viable. The study reviewed the possibility of occupying smaller units, taking up a percentage of floorspace in larger units as well as obtaining development sites and illustrated that the proposal site remains the most sequentially appropriate premises. It was indicated that alternative premises do not provide appropriate car parking or servicing facilities and would not be suitable in terms of the size requirements.

6.2.7 The sequential test revealed that the subject property is the most suitable location for this particular type of discount retailer and that no other site identified as part of the study would be viable. Marketing information indicates that the application site has been vacant for some time and the proposal would thus bring a vacant unit back into use. The retail study identified the benefits of bringing a vacant unit back into use as it would comply with recent Ministerial advice on "Planning for Growth" which states that local planning authorities should support enterprise and facilitate

housing, economic and other forms of sustainable development. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable growth should be treated favourably (consistent with policy in PPS4). The supporting statement indicates that the proposal would generate approximately 50 – 60 employment opportunities, replacing job opportunities which were lost with the demise of the MFI unit. The supporting statement further indicates that the proposal would enhance the retail offer in the area, providing a wider range of choice for consumers and greater economic activity.

- 6.2.8 In light of the evidence provided in support of this application, Staff are of the view that the proposal would not have a negative impact on the Romford Town Centre, Minor and Local centres or edge of centre locations. The proposal would promote Romford as a retail and leisure destination and add to the vitality and variety of retail outlets available. It is considered that the variation of the condition would provide wide economic benefits to Romford as a unique business and the requirement of approximately 50 - 60 members of staff, consistent with PPS4 and Ministerial advice on “Planning for Growth”.
- 6.2.9 The sequential test has demonstrated that no other site within the Romford Town Centre can be considered as a viable option for the applicant's needs and that the proposal will not have a negative impact on the vitality and viability of the town centre, but would in fact attract more people to the Romford area, at the same time serving as an economic injection to Romford. The site is located along Eastern Avenue West (A12) which is well served by public transport, easy accessible by any mode of transport and the retail park has a total of 303 off-street car parking spaces with service access to the rear. For these reasons Staff are of the opinion that the proposal satisfy the principles of PPS4 and Policy DC15 of the LDF and that the sequential test provides sufficient evidence to justify appropriate development of this nature outside of the Romford Town Centre, making this application acceptable in principle.

6.3 Impact on character and street scene

- 6.3.1 The proposal is for a variation of condition only and proposes no changes to the external appearance of the building. Any changes to advertisement signage would be subject to a separate application for advertisement consent.

6.4 Impact on Amenity

- 6.4.1 With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours, smells and noise and disturbance. Note should be given to the fact that residential bungalows and flats are within close proximity to the subject property.
- 6.4.2 The main issue regarding impact on amenity would be additional noise as a result of the proposed opening hours, vehicular activity and comings and

goings of customers. The proposal would not alter the existing opening hours and would therefore remain as per the existing permission which allows for opening hours between 8.00am and 8.00pm on Mondays to Saturdays and 10.00am to 5.00pm on Sundays, Bank and Public Holidays. In light of the existing opening hours which is consistent with all other units on the retail park and similar to the previous occupier (MFI), it is not considered that opening hours would give rise to any harm to neighbouring amenity.

- 6.4.3 In terms of general vehicular noise and customer activity, the application site is adjacent Eastern Avenue West (A12) which is a main arterial road with a constant flow of traffic. In light of the existing activities already taking place on the retail park and ambient noise levels from vehicular activity on the A12, Staff do not consider that the proposal to allow for the retail sale of a wider range of goods would give rise to additional activities over and above those which are experienced as a result of the existing permission on the application site.
- 6.4.4 The proposal is therefore not consider to result in any significant changes to the current permission which would cause harm to neighbouring amenity. The proposal is therefore consistent with the aims and objectives of Policy DC61 of the LDF.

6.5 Parking and Highway Issues

- 6.5.1 Policy DC33 seeks to ensure that the proposal provides adequate off street car parking. Annex 5 of the LDF Development Control Polices DPD sets out the Council's car parking standards for a variety of uses. The proposal would not result in a change of use however, it would allow for the retail sale of a wider range of retail products and ancillary food sales. The retail park has a total of 303 off-street parking spaces which are utilised by the 5 units on the estate.
- 6.5.2 The Council's Highways Authority raised no objections in respect of the proposal.
- 6.5.3 Transport for London (TFL) are satisfied that the overall level of vehicular trips to be generated would be similar to the level set out in Table 4.1 of the Transport Assessment submitted in support of the application. TFL do not consider the proposal to result in a significant traffic impact on the adjacent A12 Eastern Avenue. Although TFL considers the proposal to be acceptable, appropriate conditions are recommended, should Members be minded to grant permission.
- 6.5.4 Servicing of the unit would take place as per the existing arrangements for the MFI site.
- 6.5.5 Suitable refuse storage and collection arrangements can be dealt with via planning condition.

6.5.6 In light of the above, Staff are of the opinion that the proposal is acceptable in respect of parking numbers and highway safety grounds. The proposal would therefore comply with the overall aims and objectives of Policy DC33 of the LDF.

7. Conclusions

7.1 Staff consider the variation on condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at Unit C acceptable in this instance as it would bring a vacant unit back into use. Staff are of the opinion that the sequential test justifies the site as being the most viable and sequentially preferable site for this particular proposal. It is not considered that the site's location outside of the town centre would have a detrimental impact on the vitality and viability of the Romford Town Centre and indeed may serve as an economic injection to the Romford area in general. The proposal is thus acceptable in principle and complies with the aims and objectives of Policies DC15 and DC16 of the LDF Development Control Policies Development Plan Document. Members are invited to apply their judgement to this aspect of the proposal.

7.2 No external alterations are proposed and the proposal is therefore acceptable in street scene terms. No objections are raised in respect of the proposal's impact on neighbouring amenity.

7.3 It is considered that the number of parking spaces provided on the larger retail park is sufficient to accommodate the proposed use and would not result in an overspill of parking onto adjoining roads. The proposal is not considered to have any significant harmful impact on the adjoining A12 Eastern Avenue.

7.4 Having regard to all relevant factors and material planning considerations Staff are of the view that this is an acceptable use in this location. Staff are of the view that with appropriate conditions and restrictions, the use would not have a detrimental impact on the amenities of adjoining properties and it is recommended that planning permission is granted, subject to conditions

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal Implications and Risks

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

Human Resources Implications and Risks

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms, plans and supporting statements received on 8th August 2011.

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REGULATORY SERVICES COMMITTEE

REPORT

3 November 2011

Subject Heading:	P1327.11 – The Albany School Creation of an all weather sports pitch on part of existing school field (Application received 30 th August 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

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

SUMMARY

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

The application is brought to the committee because the site is within Council ownership.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

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

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

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

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

3. The floodlights hereby approved shall not be illuminated other than between the hours of 08:00 hours and 21:00 hours on Mondays to Fridays, 0800 hours and 20:00 hours Saturdays and 10:00 hours and 18:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: - To enable the Local Planning Authority to retain control in the interests of amenity.

4. Prior to the commencement of the development hereby approved, details of the floodlighting (including any baffle features) and any other means of external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: - In the interests of amenity and site security.

5. Before any of the development hereby permitted is commenced, details of all materials to be used in the construction of the Multi Use Games Area and fencing shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

6. The Multi Use Games Area shall not be used for the purposes hereby permitted other than between the hours of 08:00 hours and 21:00 hours on Mondays to Fridays, 08:00 hours and 20:00 hours Saturdays and 10:00 hours and 18:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC28, DC29, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is the Albany Business and Enterprise College, comprising buildings up to three storeys in height with outdoor recreation areas and extensive playing fields. The site is accessed off Broadstone Road from the west. The site includes the car parking areas as existing near the entrance as well as 6 tennis courts and an open grassed playground immediately west of the tennis courts. The main college buildings are to the north of the tennis courts with a large open playing field to the east of the site. Harrow Lodge Park is to the south of the site with residential properties located to the immediate west and north of the site boundaries.

2. Description of proposal

- 2.1 Permission is sought for a multi use games area (MUGA), located centrally within the site on the existing playing fields and to the south east of the school buildings. This measures 36.6m deep by 40.6m wide and would be constructed of a porous macadam surface, marked out as to provide 2 No. tennis/ netball and basketball courts. The games area would be enclosed by a chain link fence measuring 3.6m high and be lit by 6 lighting columns, each measuring 10m high. The games area has been designed to meet Sport England criteria.
- 2.2 The pitch is for games and sports use and would be made available to those attending the school; the submitted supporting statement has indicated that the pitch could be made available for local residents, with bookings handled via the school. This MUGA would be built in place of a previously approved sports pitch which is now no longer proposed to be constructed. This MUGA differs from the previous approval in that is positioned centrally within the site, rather than toward the boundary, has 10 fewer lighting columns and is slightly smaller.
- 2.3 The application has been submitted with letters of support from the Council's Head of Culture and Leisure, England Netball and Pro-Active East London.

3. Relevant History

- 3.1 P0780.09 – Extension and refurbishment of existing tennis courts including new floodlighting. New all weather playing surface – Approved, but not yet implemented.

P0064.08 New building to accommodate changing rooms and social facilities, rear paving, car parking and landscaping (outline) – Approved. This permission has now lapsed.

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 57 properties. 29 representations were received, these are summarised below:

- Floodlighting is too powerful
- Noise levels would be excessive
- Parking is a cause for concern and additional parking would be a nuisance.
- Vandalism has occurred by people using the school premises.
- Increase in traffic levels

- 4.2 At the time of writing this report, comments have yet to be received from Sport England. However, previously applications for sports pitches have been supported. Any comments received will be reported verbally at the committee meeting.

5. Staff Comments

- 5.1 The main issues to be considered by Members in this case are the principle of development in relation to design/street and amenity issues.
- 5.2 PPG17 (Planning for Open Space, Sport and Recreation) and the relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are CP17 (Design), DC29 (Educational Premises) and DC61 (Urban Design).
- 5.3 Policies 3.18, 3.19 of the 2011 London Plan are also relevant.
- 5.4 Principle of development
 - 5.4.1 The site has an existing use as a school and lies outside the Metropolitan Green Belt, designated Conservation Area and contains no Listed Buildings. The pitch would provide an additional facility to an existing use. This is acceptable in principle.
 - 5.4.2 PPG17 states that Local Authorities should give careful consideration to any planning applications for development on playing fields, and states that proposed development should be ancillary to the use of the site as a playing field. Measures should also be taken to enhance existing open space where available.
 - 5.4.3 Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development. Policy DC29 seeks to ensure that the provision of educational facilities is of a high quality. The proposed school pitch would provide an all weather recreational facility within the site. Policy DC28 states that opportunities to make existing schools and their facilities available to the wider community will be encouraged where impacts on amenity, environmental, safety or traffic problems do not result. The matters to be considered further therefore are the impact of the proposed development in this location including its visual impact, effect upon amenity to neighbouring properties, potential traffic and parking implications.
 - 5.4.4 The proposals would involve the loss of grassed playing fields, but would provide alternative recreational space, which would be available all year round. Paragraph 18 of PPG17 seeks improvements to existing open space, and the proposal here is considered to enhance the existing layout of the playing field, by extending its usability. It is not proposed to construct a previously approved sports pitch and there would be no overall loss of playing field than that previously approved.
- 5.5 Design/Impact on Street scene
 - 5.5.1 The playing fields of the school are largely screened from public view by the school buildings which face the entrance on Broadstone Road. These fields are however, visible from the rear of properties which back onto the school

site on Pett Close to the north and Broadstone Road to the west, properties in Steed Close have an obscured view of these fields, which is partially blocked by the school buildings and outbuildings. Previously approved sports pitches, fenced and floodlit were located to the south west corner of the site, approximately 44 m west of the boundary with Broadstone Road, but would not have been visible from those to the north of the site in Steed Close and Pett Close as it would have been screened by the adjacent three storey school buildings.

5.5.2 It is no longer proposed to construct the previously approved sports pitch and the submission here proposes construct a multi use games area (MUGA) in a different location so it is 150m away from the Broadstone Road boundary and 87m from the boundary with the rear of properties on Pett Close. Whilst the MUGA would now be visible from those properties in Pett Close and partially from Steed Close, given the separation distance and the partial screening by the existing school buildings this is not considered to be materially harmful in this location, where one would typically expect this feature in a school site. The impact of the MUGA would also be reduced from those occupiers on Broadstone Road due to the significantly increased separation distance.

5.5.3 The MUGA is now smaller than previously approved, and with substantially reduced number of lighting columns (now 6, reduced from 16). This combined with the revised location is not considered to appear harmful in the locality. The MUGA would not be visible from properties located in Adelphi Crescent and Apollo Close due to the orientation of the main school buildings.

5.5.4 The pitch would be enclosed by 3.6m high mesh type fencing, similar to that found on the existing tennis courts. The existing school boundary is enclosed by a higher similar type fence, which provides partial views to residential rear gardens through gaps in the trees. The proposed fencing is lightweight in construction and is not considered to appear overly intrusive within the school field environment. However, to ensure that the fencing is of an appropriate design, details are requested via condition.

5.5.5 It is proposed to light the MUGA by way of 6 No. 10m floodlighting columns. The proposed floodlight columns are not in principle considered harmful to the open character of this part of the school site as they are relatively slim-line and well spaced out around the pitch.

5.6 Impact on Amenity

5.6.1 It is proposed to open the use of the pitch beyond the immediate school site; this is to include the local community and activity groups, who would need to book the pitch via the school. No further details of this have been provided although, the access to the MUGA would be limited to a degree, due to the general levels of security that the school needs to maintain.

- 5.6.2 Given the extended use to other groups aside from the school, it is acknowledged that the MUGA would create an element of noise from the levels of activity on site. However, the pitch is located on an existing playing field which is used by the school, for exercise and lunchtimes. The nearest properties on Broadstone Road are 150m away and the properties to Pett Close and Steed Close are approximately 87m away. The activities proposed including netball and basket ball would create a materially different level of activity on site than at present but are located adjacent to the existing tennis courts. The concentration of these activities to the centre of the site is considered to assist in reducing their impact and the use of the MUGA would also be controlled via a condition to restrict the hours of use.
- 5.6.3 Floodlighting is proposed to the MUGA, this is provided via 6 No. 10m high columns. The proposed floodlighting will potentially be visible to residents of nearby residential properties in Broadstone Road, Pett Close and Steed Close due to the height of the columns. Representations received have objected on the grounds that the floodlighting is not appropriate and would negatively impact residential amenity.
- 5.6.4 The impact of the lighting on residential amenity is a matter of judgement for Members. Staff however, consider that given the distance of the lighting from neighbouring residential properties any light spill would be minimised. The nearest floodlight would be positioned approximately 150m from the nearest neighbour in Broadstone Road and 87m from those in Pett Close/Steed Close. The hours of illumination and the detailed specification of the floodlighting would be subject to controls, which can be achieved by condition, to ensure material harm to residential amenity would not occur. The MUGA would be located a minimum of 67m north of Harrow Lodge Park, where the separation distance and boundary screening is considered to restrict any luminance.
- 5.6.5 Staff consider that given previous proposals included 16 No. 10m high columns and the proposals here seek for a reduced figure of No. 6 light columns, that there would be a reduced level of glare overall within the site, which Staff raise no objection to. The location of the MUGA, visible from neighbouring properties is still a matter for judgement for Members however. Lighting to the north east corner of the MUGA would be screened in any case by the surrounding buildings, which would further mitigate their impact.
- 5.6.6 In terms of noise, the MUGA is located on an existing playing field, used by the school; this is marked out with football and rugby pitches and would therefore create an element of high activity during the school day. The MUGA site is located centrally within the site, away from residential boundaries. It is acknowledged that this use would create an element of activity and therefore noise proposal is located centrally within the site, so it is at the maximum distances away from residential properties. A certain element of the games area would be screened by the surrounding school buildings.

5.6.7 Representations received have also objected on the grounds of anti-social behaviour and vandalism that occurs around the school. Anti-social behaviour or criminal damage is a matter for the Police and the school, rather than the Local Planning Authority. The MUGA would be managed via the school itself and its availability would be controlled.

5.7 Highway/Parking/Access

5.7.1 Representations received have objected due to the congestion locally that arises from the lack of parking at the school, specifically on the immediately surrounding streets. The site has a 69 space car park at present located to the west of the site by the school entrance. The Highways Authority has no objection to the application. This MUGA is proposed to replace an existing approved sports pitch which is proposed not to be constructed.

5.7.2 Vehicular access into the site is via Broadstone Road. It is not proposed to alter either the access or parking layout. Representations from the Highways Authority raise no objection with regard to potential impact on the highway or parking situation. When it is proposed to be the MUGA outside of school hours, Staff do not consider that this would bring any traffic implications as the car park would not be in use and there would be available parking within the site.

6. Other issues

6.6.1 The school site is known to be contaminated, as such, Environmental Health have requested that a condition be attached to any consent, requiring the submission of a land contamination survey.

6.6.2 The school has stated that they do not wish to construct the approved sports pitches and instead build the proposed MUGA. The previous planning permission would remain valid, and in reality there would be two permissions on the site for games areas. Staff have considered the possible impact of this in terms of design and residential amenity. Given the separate locations of the games areas and the reduced amount of floodlighting on this application, it is considered that two games areas would not materially be harmful in either design terms of in residential amenity and parking. It is also considered that there would be acceptable open area of playing fields remaining. The drawings submitted indicate that only one pitch would be built and in any case, financing would not be available for both pitches. Nonetheless, the extant permission could be implemented at any time up to 25th February 2013.

7. **Conclusion:**

7.1 Staff do not consider that the creation of a MUGA would have an adverse impact on the amenity of neighbouring occupiers. The scale and design of the pitch and enclosure fencing is considered to acceptably integrate into the school field surroundings, and would be of a limited impact within the wider streetscene. The floodlighting is located at significant distances from

residential properties and would be partially screened by the three storey school buildings. Parking remains an issue for local residents; however, Staff consider that the MUGA would not result in adverse harm to the highway or parking demand.

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 applicant and 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. The Multi Use Games Area would provide a year round facility for the school, which would contribute providing additional activities for students and the wider community.

BACKGROUND PAPERS

Application forms and plans received 30th August 2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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REGULATORY SERVICES COMMITTEE

3 November 2011

REPORT

Subject Heading:

**P1128.11 – 20 Pinewood Road,
Havering-Atte-Bower, Romford**

**Construction of replacement 3-
bedroom dwelling.**

**(Application received 20th September
2011)**

Report Author and contact details:

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

Policy context:

**Local Development Framework,
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Value and enhance the life of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The proposal is for the construction of a replacement bungalow comprising 3 bedrooms.

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

Reason:

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) Boundary treatment: The proposal hereby permitted shall not have a residential curtilage established and no means of enclosure or boundary treatment shall be erected at any time without prior consent in writing from the Local Planning Authority.

Reason:

In order to ensure that the development maintains the open character and appearance of the Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policy DC45 and Government Guidance contained within PPG2.

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

11) 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 and Part 2, Class A no extensions, roof extensions, roof alterations, outbuildings or fences, gates or other means of enclosure 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 Policies DC45 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) 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.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33, DC45, DC58, DC61 and DC69 of the LDF Development Control Policies Development Plan Document.

2. 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.
3. 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 located to the northern side of Pinewood Road. The site measures approximately 0.31ha and was previously occupied by a single storey bungalow which has now been demolished due to extensive fire damage. The site is within the Metropolitan Green Belt, forms part of the Havering Ridge Area of Special Character and designated as a Site of Importance for Nature Conservation (SINC). Ground levels on the site drop significantly from east to west. The site is characterised by mature trees and dense vegetation.
- 1.2 There is no other residential development within close proximity to the application site with the nearest being Hillsdene along Clockhouse Lane to the south-west, approximately 260m away. The surrounding area is generally rural in character with dense vegetation forming part of Havering Park and the Green Belt.

2. Description of Proposal

- 2.1 The Council is in receipt of a planning application seeking permission to replace a previously demolished dilapidated, fire damaged bungalow and construct a new 3-bedroom chalet-style bungalow.
- 2.2 The proposal would be in the same location as the existing building. The bungalow would have a width of 9.3m and a depth of 13.4m. The proposal

would have a half-gabled roof design to a maximum height of 6.2m above ground level. On ground floor level would be a dining area / family room, kitchen, living room, bathroom and 2 bedrooms and on 1st floor level would be a 3rd bedroom with en-suite.

2.3 Windows and doors would generally be to the front and rear of the bungalow with flank windows serving the utility, kitchen and living room on ground floor level. Due to the change in ground levels, there would be an access ramp to the front entrance and a patio towards the rear measuring approximately 700mm above ground level at its highest point.

2.4 Although the drawings do not indicate where and how car parking spaces will be provided, the applicant indicated on the application forms that there will be 3 No. car parking spaces.

3. Planning History

3.1 No relevant history.

4. Consultations/Representations

4.1 The application has been advertised on site and in the local press as development contrary to Green Belt policies. Neighbour notification letters have also been sent to 16 local addresses. At the time of drafting this report, 1 letter of representation was received, raising objections in respect of the following:

- The park should not be allowed to have private housing
- Access to local facilities inadequate

5. Relevant Policies

LDF Core Strategy Development Plan Document

CP1 – Housing Supply
CP14 – Green Belt
CP16 – Biodiversity and Geodiversity
CP17 - Design

LDF Development Control Policies Development Plan Document

DC2 – Housing Mix and Density
DC3 – Housing Design and Layout
DC33 – Car parking
DC34 – Walking
DC35 – Cycling
DC45 – Appropriate Development in the Green Belt
DC58 – Biodiversity and Geodiversity
DC60 – Trees and Woodlands
DC61 – Urban design

DC62 – Access
DC63 – Delivering safer places

Residential Design Supplementary Design Guidance
Residential Extensions and Alterations SPD

5.3 The London Plan (2011)

3.5 (Quality and Design of Housing Developments)
3.8 (Housing Choice)
5.3 (Sustainable Design and Construction)
7.16 (Green Belt)
7.19 (Biodiversity and Access to Nature)
7.21 (Trees and Woodlands)

5.4 Government Guidance

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Guidance 2 (Green Belts)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 7 (Sustainable Development in Rural Areas)

6. Staff Comments

6.1 The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on the street scene, the Havering Ridge Area of Special Character and adjoining Conservation Area, impact on local amenity, parking and highway issues.

6.2 Principle of Development

6.2.1 According to PPG2, the construction of new buildings inside the Green Belt is inappropriate unless it is for, amongst others, limited extension, alteration or replacement of existing dwellings. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than **the dwelling it replaces**.

6.2.2 The former dwelling became an unsafe structure which was in a poor state of repair and subject to vandalism and trespass. In July this year, the dwelling was subject to an arson attack and was subsequently demolished.

6.2.3 The replacement of existing dwellings in the Green Belt is strictly controlled to safeguard the openness of the Green Belt. Replacement dwellings will only be allowed if there is no greater impact on the openness of the Green Belt than that of the original. The form, bulk and general design must also be in keeping with the surroundings.

6.2.5 Permission will not normally be granted for a new dwelling where the existing dwelling has been demolished or abandoned as this would be regarded as a new house and hence contrary to Green Belt policy. Where a dwelling has been substantially or wholly demolished as a result of accidental damage such as fire, this may, depending on the circumstances, be regarded as very special circumstances. Before considering these very special circumstances in more detail, it is necessary to consider whether any other harm arises. This is explored below.

6.3 Impact on Green Belt

6.3.1 The proposal would be in a similar location compared to the dwelling which was on the site prior to demolition. The original dwelling had a floor area of 84.4sq.m which was increased by a single storey extension in 1982 (to have a floor area of 114sq.m). The proposal would have a floor area of 121sq.m which is an increase of 36.6sq.m over and above the original dwelling and 7sq.m more than the extended dwelling. The overall volume of the proposal would be 513 cubic metres whilst the original dwelling had a volume of 362 cubic metres. The original dwelling was extended to have a total volume of 448sq.m. This results in a volume increase of 151 cubic metres or 41.7% over and above that of the original dwelling and 65 cubic metres or 14.5% over and above the extended dwelling (as it stood before demolition).

6.3.2 Where PPG2 refers to the size of replacement dwellings over and above the dwelling it replaces, the Council's LDF Policy DC45 states that replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. The proposal's cubic capacity would be 14.5% more than the dwelling it replaces and 41.7% over and above the original dwelling (prior to 1982). In terms of the volume increase, the proposal complies with the requirements of policy DC45 of the Council's LDF and Government guidance contained within PPG2.

6.3.3 Although slightly larger, Staff are of the opinion that the replacement dwelling would not be harmful to the open character and appearance of the Green Belt as it would not be significantly greater compared to the dwelling it would replace. The proposal would see a building of improved quality and character and in light of the minor increase in floor area and overall volume, is not considered to be harmful in Green Belt terms. The proposal is therefore considered to be acceptable in this respect.

6.3.4 Staff did however notice upon site inspection that there are no clear boundaries which define a residential curtilage and the area surrounding the bungalow remains fairly open with a natural flow into the surrounding woodlands. The drawings submitted as part of the application however indicate a red line around what appears to define a residential curtilage. Staff are of the opinion that the creation of a residential curtilage should be prevented in this instance as the formation of any means of boundary treatment or fencing would be harmful to the openness of the Green Belt.

6.3.5 In light of the volume and floor space which have already been increased compared to the original and replacement bungalow, Staff consider any enclosures or formation of a residential curtilage to prejudice the open character and appearance of this part of the Green Belt. It is therefore important that the area surrounding the proposed bungalow remains Green Belt land which naturally forms part of the surrounding woodland. Staff therefore recommend a condition to prevent any boundary treatment or fence to be erected in order to prevent a residential curtilage to be established.

6.3.6 In addition to the above, Staff are of the opinion that any further development to the bungalow or on the application site would be harmful to the open character of the Green Belt. It is therefore recommended that all Permitted Development Rights are removed to prevent any harm from occurring, should future occupiers wish to extend the bungalow.

6.4 Site layout / Amenity space:

6.4.1 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.

6.4.2 The application site is a large plot measuring approximately 0.3ha and indeed, its current use is residential. The proposal would be in the same location and of a similar size compared to the fire damaged bungalow. The proposal would be set back from its front boundary by approximately 15m, leaving a rear garden of 23.5m. The site is well screened from all sides by mature trees and vegetation allowing no or very limited public views into the site.

6.4.3 Staff are of the opinion that this large plot and the proposed development would leave adequate amenity space which would be private, screened from public views and practical for day to day use.

6.4.4 The site can comfortably accommodate parking towards the front and amenity to the rear without appearing cramped or overdeveloped. It is therefore considered that the siting and layout of the proposal would be acceptable with no adverse impacts on the character of the area.

6.5 Impact on character and street scene

6.5.1 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.

- 6.5.2 The application site is on a large plot with mature trees and dense vegetation to its boundaries allowing no or very limited views from the public domain. The bungalow is further not located adjacent a public highway but as it has been used by the park ranger over the years, is located along a gravel track within Havering Park. The proposal would therefore not form part of any existing street scene.
- 6.5.3 Notwithstanding the proposal's negligible impact on the character of the street scene, the application falls within the Havering Ridge Area of Special Character and would ultimately have an impact on the special character area.
- 6.5.4 Policy DC69 of the LDF states that planning permission will only be granted in areas of special townscape or landscape character if it maintains or enhances the special character area. Havering Ridge was recognised by the former London Planning Advisory Committee as an Area of Special Character because of its skyline character and the panoramic views it affords of Central London. It has also been identified by English Heritage as an Area of Heritage Land for its combined intrinsic value for landscape, historic and nature conservation interest. The Council will therefore ensure that any development has regard to the special character of the area.
- 6.5.5 The proposal is for a modest, single storey bungalow which would see the replacement of a bungalow which was of a similar scale and design. The proposal would be slightly larger compared to the previous bungalow however, not to the extent that would cause harm to the character of the area.
- 6.5.6 In light of the distance of the proposal from its site boundaries, the dense vegetation to the site boundaries and the simplistic design, Staff are of the opinion that the proposed new bungalow would not adversely affect the character of the Havering Ridge Area of Special Character. Appropriate conditions can be imposed to require the submission of material samples and the retention of the mature trees within the grounds which will ensure that the open, verdant character of the ridge is maintained.
- 6.5.7 For the reasons mentioned above, it is considered that the proposed development would be acceptable in terms of its overall scale, bulk and design and would be acceptable in terms of its impact on the street scene and in particular on the Havering Ridge Area of Special Character. The development is therefore considered to be consistent with the aims and objectives of Policy DC61, DC68 and DC69 of the LDF Development Control Policies Development Plan Document.

6.6 Impact on Amenity

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

6.6.2 The proposal would be approximately 260m from its nearest neighbouring dwelling, Hillsdene along Clockhouse Lane to the south-west. As a result of the dense vegetation and mature trees on the site, in particular to its boundaries and the distance of the proposal from neighbouring dwellings, it is not considered that there would be any harmful impact in terms of neighbouring amenity.

6.7 Parking and Highway Issues

6.7.1 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 proposal does not indicate how parking spaces will be provided however the application form indicates that 3 spaces would be available. Three parking spaces can comfortably be accommodated on the application site. The provision of 3 spaces would be sufficient and the layout and details of parking spaces can be secured by means of an appropriate planning condition. In this respect, the proposal would comply with the requirements of Policies DC2 and DC33. Access to the site will remain as per the existing arrangement.

6.8 Other Issues

6.8.1 The application site is designated as a Site of Importance for Nature Conservation (SINC). Notwithstanding, the replacement bungalow would be in the exact same location as the previous bungalow that occupied that site and the immediate area surrounding the bungalow is clear of any vegetation which may be affected. As such, Staff are satisfied that the development is able to take place without resulting in any harm to the surrounding wildlife and it is therefore not considered that conditions to protect the SINC is required in this instance.

6.9 Very Special Circumstances

6.9.1 If a dwelling is considered to be abandoned, then any proposal to replace it will be treated as a new building under policy DC45 of the LDF and the criteria for new buildings in the Green Belt will be applied. A similar approach will be applied to instances where dwellings are demolished.

6.9.2 A dwelling will be considered 'abandoned' depending on:

- whether the site had been used for any other purpose following the cessation of the lawful use;

- the physical condition of the building;
- the length of time for which the building had not been used for residential purposes and
- the intentions of the owners of the building.

6.9.3 The original bungalow was used as a “park managers lodge” and has been on the site prior to 1982. According to the details provided by the applicant, the building was occupied for residential purposes until 2006 and was used on and off between 2006 and 2010 due to the building’s poor state of repair. It is further evident that the bungalow was subject to several arson attacks, the first occurring in April 2010 and the second in May 2011. Following the arson attacks the bungalow was no longer in a state to be occupied as a residential dwelling and therefore demolished for health and safety purposes.

6.9.4 In Staff’s opinion, the building has remained in residential use until it fell in a state of disrepair after which it was used occasionally as a residential dwelling. There is no evidence which suggests that the building has been abandoned as a residential dwelling. No other use has been introduced between 2006 and 2010 and although the dwelling fell into a state of disrepair, its lawful use as a residential dwelling was continued. The unfortunate event of two arson attacks required the Council to demolish the bungalow and the intention was therefore not to demolish the building in order to construct a replacement bungalow.

6.9.5 In light of the above information, Staff are of the opinion that the residential use of the site has not been abandoned and that its physical condition is a direct result of vandalism which is outside the control of the land owners. The unfortunate series of events warrant sufficient special circumstances in this instance and Staff are therefore of the opinion that the proposal is not inappropriate development as defined in Government guidance contained within PPG2.

7. Conclusions

7.1 Sufficient information has been provided to illustrate that the building was demolished following two arson attacks. This, in conjunction with the fact that the residential use has not been abandoned is considered to constitute very special circumstances in this instance which would justify a replacement dwelling, subject to its impact on the openness of the Green Belt.

7.2 The proposal complies with the Council’s Green Belt policy DC45 of the LDF as it would not see an increase in cubic capacity of more than 50% of the original bungalow. The proposal would be a 41% increase over and above the original bungalow and 14.5% more than the bungalow it would replace. The replacement bungalow is therefore not considered to be disproportionately larger compared to the original bungalow and would

therefore not harm the open character of the Green Belt, subject to implementation of certain conditions.

7.3 The proposal is considered acceptable in terms of its impact on the character of the Havering Ridge Area of Special Character and would have no harmful impact on the amenities of neighbouring properties. No concerns are raised in terms of parking / highway issues. The proposal is not considered to affect the SINC as a result of the development or during construction.

7.4 Overall, the proposal is considered to be acceptable and compliant with the relevant LDF Policies. The proposal is therefore recommended for approval, subject to conditions

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal Implications and Risks

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

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 forms, plans and supporting statements received on 20th September 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 November 2011

Subject Heading:	P1173.11 – 23 Windemere Avenue, Elm Park Two storey side extension, part single, part two storey rear extension. Single storey front extension. Widening of vehicular crossing (Application received 1 st August 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

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

SUMMARY

The application seeks permission for front, side and rear extensions to a semi-detached property in order to provide additional living accommodation.

The application is brought to the committee as the applicant is married to an elected Councillor. This report has been passed to the Monitoring Officer.

For the reasons set out in the report, Staff consider that planning permission should be approved, subject to conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

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

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

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

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

3. All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

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

4. 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.

5. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVE

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is two storey semi-detached property set to the southern edge of Windermere Avenue. The locality is defined from semi-detached and terraced properties, some of which have been previously altered and extended resulting in a mixed streetscene. The streetscene has a staggered building line. The property itself is finished in render with a garage to the flank elevation. The rear of the property has a lean-to extension and open garden, enclosed by boundary fencing. Ground levels are generally flat.

2. Description of proposal

- 2.1 Permission is sought for a two storey side extension, part single, part two storey rear extension, single storey front extension and widening of vehicular crossing.

- The two storey extension measures 2.7m wide, 12.7m deep (including the 4m rear extension)

- At ground floor the extensions would provide an entrance porch, sitting room, bathroom utility room and kitchen. At first floor the extensions would provide two bedrooms (4 in total) and a bathroom.

- The front extension measures 1m deep, 4.9m wide (including the side extension) and is finished with a tiled canopy.

- The first floor rear extension measures 3m deep, 5.4m wide and is finished with a hipped roof.

3. Relevant History

3.1 None

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 8 properties. No representations were received.

5. Staff Comments

5.1 The main issues to be considered by Members in this case are the principle of development in relation to design/street and amenity issues.

5.2 The LDF Core Strategy and Development Control Policies DPD Policies to be considered are CP17 (Design), DC33 (Parking) and DC61 (Urban Design). The Residential Extensions and Alterations SPD is also relevant.

5.4 Principle of development

5.4.1 The site lies outside the Metropolitan Green Belt any designated Conservation Area and is not a listed building. There is in principle no objection to extensions or alterations to the property, subject to the design of the proposal.

5.4.3 Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development.

5.5 Design/Impact on Street scene

5.5.1 The existing streetscene is characterised by two storey semi-detached and terraced dwellings, set in varying positions back from the highway, creating a staggered building line. Nearby dwellings have been previously extended with various extensions, creating a varied streetscene.

5.5.2 The proposals here would alter the front elevation of the dwelling by way of a two storey side extension. This would involve the demolition of the existing attached garage. The side extension would be highly visible within the streetscene and the ground floor element would project forward from the

existing location of the garage to meet the front elevation of the porch. This is considered acceptable and creates a flat fronted elevation, as found on other properties in the locality. The first floor element of the extension is set 1m back from the line of the original dwelling to reduce the bulk of the property as recommended by the Residential Extensions and Alterations SPD. The roof is arranged with an identical pitch to the main roof but appears subservient to the main dwelling due to its set back location. This is acceptable in streetscene terms and follows a pattern of development in Windermere Avenue, where others dwellings have been similarly extended.

- 5.5.3 The existing entrance porch has a pitched roof, this would be replaced with a tiled canopy which extends across the porch and side extension, there is no objection to this as a clear entrance would remain on the principle elevation.
- 5.5.4 The property is also to be extended to the rear with a single and double storey extension. These would be visible from the garden and their impact in the garden scene needs to be considered accordingly. The ground floor element of the extension would run the full width of the dwelling. In terms of spaciousness, there is an existing lean-to extension and garage located to the flank elevation, where the proposals here are not considered to appear cramped given the existing context and would be positioned compactly around the building. The roof of the single storey extension is flat which would be visible from the garden. However this is a modest area of flat roof which raises no objections from Staff.
- 5.5.5 The first floor element of the rear extension is finished with a fully hipped roof which neatly integrates into the main roof of the dwelling; this is acceptable in design terms.

5.6 Impact on Amenity

- 5.6.1 The adopted Residential Extensions and Alterations SPD states that rear extensions to semi-detached properties can project up to a maximum of 4m at ground floor (measured externally). The ground floor rear extension measures 4m and therefore conforms to this aspect of the policy. At first floor the SPD states that rear extensions on attached properties should project no more than 3m rearward and be inset from the boundary with the attached property by 2m. The plans here show a 3m deep first floor rear extension which is inset from the party wall by 3m. This is in accordance with the policy and is not considered to result in a loss of amenity to the attached occupier at No. 21 Windermere Avenue.
- 5.6.2 The non-attached neighbouring property, No. 25 Windermere Avenue is set further back than the application site and has been extended to the rear garden at single storey level. Given the spacing between these two properties the rear extensions here are not considered to result in a loss of visual amenity or light/ privacy to this occupier. No flank windows are proposed at ground or first floor which could result in overlooking.

5.6.3 The proposals include an area of flat roof which projects beyond two first floor bedrooms. A condition is recommended to be attached, restricting the use of this flat roof as any type of balcony or terrace, which could result in overlooking of the adjacent property.

5.7 Highway/Parking/Access

5.7.1 It is proposed to extend the existing crossover, to enable additional parking on the forecourt of the property. There would be two off street parking spaces which is considered acceptable and mitigates the loss of the garage. The Highways Authority therefore have no objections to the proposals.

6. Conclusion:

6.1 Staff consider that the proposed extensions are acceptable. They would be form part of the Windermere Avenue Streetscene but are of a subservient nature which are not considered to appear incongruous or overly dominant. The projection and arrangement of the extensions conform to the relevant sections of the Residential Extensions and Alterations SPD and are not considered to result in a loss of residential amenity. Staff therefore recommend that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks:

This application is considered on its own merits and independently from the applicant's connection to an elected Councillor.

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The extensions would are not considered to appear harmful in the streetscene, nor it is considered that there would be a loss of residential amenity.

BACKGROUND PAPERS

Application forms and plans received 1st August 2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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Regulatory Services Committee

3RD November 2011

OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-5	P0974.11	Hylands	Unit 15, 177-181 Hornchurch Road, Hornchurch
6-12	P1176.11	Harold Wood	93 Shepherds Hill, Harold Hill, Romford
13-19	P1292.11	Mawneys	6 Collier Row Road, Romford

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REGULATORY SERVICES COMMITTEE

3rd November 2011

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0974.11	
WARD :	Hylands	Date Received: 17th August 2011
ADDRESS:	Unit 15 177-181 Hornchurch Road Hornchurch	
PROPOSAL:	Change of Use from Class B8(storage) to nursery Class D1 additional block plan showing existing layout rcvd 16/8	
DRAWING NO(S):	Existing layout Ordnance Survey plan 177-185 Hornchurch Road, Romford, Essex, scale 1"=20' Unit 15 177-181 Hornchurch Road proposed layout Unit 15 177/181 Hornchurch Road existing layout	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

The application site is Unit 15, 177-181 Hornchurch Road, which fronts onto Vicarage Road and comprises of a detached single storey building currently used for storage. Off street parking is provided to the west and south of the application site, which is accessed from Vicarage Road. There is a brick wall on the front boundary. There is a brick wall and corrugated sheeting on the southern boundary. There are eight other light industrial units in the immediate vicinity of the application site. Kims Hall is located north of the site. There are residential single and two storey dwellings located to the south and west of the site.

DESCRIPTION OF PROPOSAL

Permission is sought for a change of use from Class B8 (storage) to a nursery (Class D1).

There would be 20 children in total, 15 of which would have permanent places and the remaining 5 places would be for parents requiring child care at short notice. The age of the children would be from 0-5 years. The opening hours are proposed to be from 08:00 to 18:00 Monday to Friday. There would be one full time member of staff and three to four part time members of staff. There would be an outdoor play area to the front of the site.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 32 properties. No letters of representation have been received.

London Fire and Emergency Planning Authority is satisfied with the proposals.

Environmental Health Recommend a contamination condition if minded to grant planning

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permission, although this is not considered necessary as there are no works involving ground break.

Childcare Services - The application states that the provision would be for 15 children. However, there are concerns of how financially viable a provision for children accessing the Educational Entitlement for 3 and 4 year olds would be. All early year providers must have access to an outdoor play area which can benefit the children. It is a statutory duty on the London Borough of Havering Authority to ensure sufficiency for all children accessing the Early Education Entitlement for 3 and 4 year olds. The Childcare Sufficiency Assessment states that we currently have full day care concentrated in Hornchurch. However, it is also reported that parents feel that there is insufficiency of provision in full day care for children 0 - 5.

Highway Authority - No objections

RELEVANT POLICIES

Policies to be considered are DC29 (Community facilities), DC33 (Car Parking) and DC61 (Urban Design).

Policies 3.18 (Education facilities) and 4.12 (Improving opportunities for all) of the London Plan 2011 are relevant.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

Nurseries are accepted as being community facilities, where there is a requirement for places within the borough. The Borough's Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places.

The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by childminders. Several wards in the borough have a severe deficit of places, this includes Cranham (-197 places), Hylands (-206 places) and Havering Park (-171 places) for example. The nursery business here is able to make a small, but valid contribution to providing towards this deficit.

The Borough's Childcare Sufficiency Assessment 2011, states that in 2010 there were 13,560 under 5's for the whole borough. By 2015, the projected population figures for under 5's in Havering are set to increase. This will have a resultant impact on the demand and requirements for day care.

The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by the nursery, Hyland's ward has a deficit of 128 places. An increase in the number of children within this nursery would contribute, albeit in a small way to providing for the significant shortfall of places.

DESIGN/IMPACT ON STREET/GARDEN SCENE

During a site visit, the applicant advised that there would be no external changes to the building, so the proposal would have no impact within the street scene.

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IMPACT ON AMENITY

The total number of children that would be on the site is 20. There would be one full time member of staff and three to four part time members of staff. It is considered that the proposed nursery (D1) use would not result in a significant loss of amenity to neighbouring properties, as the building is detached. Environmental Health was consulted and it is not necessary to insulate the building in respect of noise. The play area would be approximately 5 metres from the southern boundary of the site. The brick wall and corrugated sheeting on the southern boundary would help to buffer any noise. In addition, the application building is currently a light industrial unit used for storage (Class B8) and there are eight other light industrial units in the immediate vicinity of the application site. As such, it is reasonable to assume, given the light industrial use of the application site, that levels of noise and activity would be slightly higher than that of neighbouring residential properties. Also, there would be a separation distance of approximately 9 metres between the southern flank of the application building and the northern flank of the nearest residential property at No. 5 Vicarage Road.

The opening hours are proposed to be from 08:00 to 18:00 Monday to Friday. It is considered that the opening hours are deemed to be acceptable, as they are concentrated during the day time, (as opposed to very early morning or late evening) and would comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition.

Consideration has been given as to whether the proposed use would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. It is considered that the proposed use would not result in a significant loss of amenity in terms of vehicular movements, traffic, noise, disturbance and fumes over and above existing conditions, given that there is an existing parking area for the light industrial units adjacent to the southern boundary of the site. Furthermore, the brick wall and corrugated sheeting on the southern boundary provides some screening and would help to mitigate noise and disturbance from vehicle movement. Overall, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity.

HIGHWAY/PARKING

The off street parking requirement for a Day nursery/creche is 1 space for each equivalent full time member of staff. There would be one full time member of staff and three to four part time members of staff, which equates to one and a half full time members of staff. The total number of spaces required is 2.5. No on site spaces are proposed.

It is noted that there are five parking spaces adjacent to the southern boundary of the site, although these have been allocated for use by Unit 6, which was granted planning permission for a change of use of a store/workshop to a D2 use (self defence training) in 2010 (application reference P0827.10). Condition 2 attached to this permission states that these 5 parking spaces shall be made permanently available for use unless otherwise agreed in writing by the Local Planning Authority. The ability of the applicant to comply with this condition has recently been challenged. However, as this condition exists, it is deemed to be unreasonable to take these 5 parking spaces into account for this planning application.

The dropping off area for the children would be the disc parking in Vicarage Road, (which operates between 8am and 6.30pm Monday to Saturday) which is deemed to be acceptable. The applicant has advised that they have two parking disc permits for Vicarage Road, which is in front of the proposed nursery. The applicant is willing to issue parking permits for all parents and staff. According to the Traffic and Engineering Department, there are no restrictions regarding the number of parking permits that can be purchased and they are valid for one year.

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Staff and parents would therefore rely on on-street parking and public transport. With the exception of the disc parking bay adjacent to the front of the site, there are no parking restrictions in Vicarage Road. There are parking restrictions in Hornchurch Road between 8am and 6.30pm Monday to Saturday.

Although the proposal does not have any provision for off-street parking, some weight has been attached to the fact that with the exception of the disc parking bay adjacent to the front of the site, there are no parking restrictions in Vicarage Road, there is a bus service in Hornchurch Road and there are London Underground Stations at Elm Park and Hornchurch. The Highway Authority also has no objection to the proposal.

Planning applications such as this usually have off street car parking. When determining planning applications for nurseries/creches, consideration is given to the fact that these types of applications are car dependent, generate traffic at peak times and vehicles need to park nearby to the site in order to drop off and pick up children. The proposal does not have any off street parking, with reliance entirely made upon on street parking. Members are invited to apply their judgement to this aspect of the proposal, balancing the lack of on site parking against the contribution the proposal would make in meeting the demand for childcare facilities. The proposal would also result in the creation of a new business which is supported via the Government's statement on Planning for Growth.

KEY ISSUES/CONCLUSIONS

Staff consider that the proposal for a change of use from Class B8 (storage) to a nursery (Class D1) is acceptable. There would be no external changes to the building, so the proposal would have no impact within the street scene. It is considered that the change of use would not result in any significant adverse impact on the amenity of neighbouring residents. The judgement in this case is whether the lack of on site car parking is acceptable. Taking into account the circumstances detailed above, Staff have concluded that the lack of parking is acceptable in this case. However, Members are invited to apply their judgement to this aspect of the scheme.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:00 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. S SC19 (Restricted use)

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4. S SC19 (Restricted use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be used for a day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

5. S SC28 (Number of children)

The number of children accommodated within the premises hereby approved shall not exceed 20 at any one time, including the applicants own children without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

1 INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC29, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. The applicant is advised that a metal security fence above the existing brick wall on the front boundary of the site will require separate planning consent.

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

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APPLICATION NO:	P1176.11	
WARD :	Harold Wood	Date Received: 3rd August 2011
ADDRESS:	93 Shepherds Hill Harold Hill Romford	
PROPOSAL:	Demolish single storey rear extension and garage. Two storey rear extension , bay windows, external alterations & garage	
DRAWING NO(S):	MDP.SH/01 Revision D MDP.SH/02 Revision E	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

Two storey detached dwelling located between the Shepherd & Dog public house and a two storey semi-detached dwelling. Shepherds Hill slopes downhill from east to west. The site is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is to demolish a single storey rear extension and garage and erect a two storey rear extension, Juliet balcony, bay windows, external alterations and garage.

During the site visit, it was noted that the garage has been demolished.

The two storey rear extension would have a depth of 3 metres, a width of 8.5 metres and a height of 7.4 metres.

The two bay windows would have a width of 2.1 metres, a depth of 1 metre and a height of 3.3 metres.

The external alterations include timber cladding to the first floor of the dwelling, which has commenced. The first floor window on the front façade of the dwelling has been replaced with a larger window, which serves a landing. A first floor window would be added to the eastern flank, which would serve a bathroom.

The garage would have a width of 4 metres, a depth of 5 metres and a height of 3 metres.

RELEVANT HISTORY

P1659.10 - Demolish a single storey rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port - Refused. Dismissed on appeal.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 8 neighbouring properties. One letter of representation was received outlining some queries. One letter of objection was received with detailed comments

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that have been summarised as follows:

- Strongly objects to the white eternit type cladding that was not detailed on the planning forms and was fitted to the dwelling prior to the application being determined. The cladding is not traditional sawn soft wood feather edge board.
- Work has commenced on the two projecting bays and there are few projecting bays on the surrounding buildings.
- The drawings do not indicate the relationship between each other and the boundaries. The overall site plan is not dimensioned.
- Permission for access during construction will not be given.
- There is no dimension between the rear building line of the dwelling and the front of the garage.
- The front elevation contains a stained glass window which is not shown on the plans.
- Does the construction of large dog kennels and breeding pens at the end of the garden require planning permission?
- Despite changes to the latest application, the overall footprint has not decreased significantly and appears to be contrary to Policy DC45 and PPG2 in respect of the 50% increase in overall volume.

Highway Authority No objection.

In response to the above comments, the fact that some of the development has commenced prior to the application being determined is not a material planning consideration. The application will be assessed on its individual planning merits. Comments regarding access during construction are civil matters and are not material planning considerations. The dog kennels being constructed in the rear garden are subject to investigation by the Enforcement Team. The plans do not have dimensions as they are to scale. There would be a separation distance of approximately 3 metres between the rear facade of the two storey rear extension and the front facade of the proposed garage. Replacing windows on part of an original dwelling does not require planning permission. The remaining issues are addressed in the following sections of the report.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document

LDF: CP14, CP17, DC33, DC45, DC61

Policies 3.5 (quality and design of housing developments), 6.13 (parking), 7.4 (local character) and 7.16 (Green Belts) of the London Plan July 2011 are relevant.

Other: PPG2 Green Belts

PPS1 (Delivering Sustainable Development) and PPS3 (Housing)

STAFF COMMENTS

The issues to be considered in this case are the impact upon the Metropolitan Green Belt, design/street scene issues, amenity implications and any highway and parking issues.

It is noted from planning records that the garage was not built at the same time as the dwelling and therefore, it has not been included in the volume of the original dwelling. For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

This proposal follows a previous planning application, P1659.10, to demolish a single storey rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port that was refused planning permission for the following reasons:

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1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. The proposed development would, increase the volume of the original dwelling house by approximately 81% and would result in disproportionate additions over and above the size of the original building, which by virtue of excessive bulk and depth and position close to the boundaries of the site materially harm the character and openness of the Green Belt. No very special circumstances have been submitted in this case to justify such inappropriate development or the harm arising to the character and openness of the Green Belt at this point. The proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document, and PPG2 (Green Belts).

2. The two storey rear extension would, by reason of its roof form, excessive depth, scale, bulk and mass, appear dominant, overbearing and visually intrusive in the rear garden environment to the detriment of residential amenity contrary to the Draft Residential Extensions and Alterations SPD and Policy DC61 of the Local Development Framework Development Plan Document.

3. The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the Local Development Framework Development Plan Document.

4. The garage and car port would cumulatively, by reason of their excessive depth, scale and position close to the boundaries of the site, appear as a continuous development of substantial massing and bulk, which would be overbearing, dominant, visually intrusive and oppressive in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the Local Development Framework Development Plan Document.

In this respect, the current application differs from the refused scheme in the following key areas:

- The conservatory and car port have been removed from the proposal.
- The depth of the two storey rear extension has been reduced from 5 metres to 3 metres.
- The width of the garage has reduced from 4.8 metres to 4 metres. The depth of the garage has been reduced from 11 metres to 5 metres. The height of the garage has reduced from 3.7 metres to 3 metres.
- The roof over the two storey rear extension has changed from a crown roof with a hipped end to a twin hipped roof.

GREEN BELT IMPLICATIONS

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

In this instance the original dwelling had a volume of 305 cubic metres.

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The proposed extensions would amount to a total volume increase of 58% (or a volume of 177 cubic metres, as per staff calculations) over and above the original dwelling, contrary to Policy DC45 of the LDF Development Control Policies DPD. Although the volume of the proposal is contrary to Policy, it is deemed to be acceptable for the following reasons. The depth of the two storey rear extension has been reduced from 5 metres to 3 metres and the conservatory has been removed from the proposal, thereby minimising the impact of the proposal on the open nature and character of the Green Belt. The roof of the two storey rear extension has changed from a crown roof with a hipped end to a twin hipped roof, which has contributed to the reduction in volume of the proposal but also significantly improved its design. In comparison with the previous application, the volume of the proposal has reduced from 227 cubic metres (74% increase) to 177 cubic metres (58% increase). It is Staff's view that given the above amendments, the proposed extensions would not result in disproportionate additions over and above the size of the existing building, thereby overcoming the previous reason for refusal and dismissal.

It is noted that the garage has significantly reduced in size. The width of the garage has reduced from 4.8 metres to 4 metres. The depth of the garage has been reduced from 11 metres to 5 metres. The height of the garage has reduced from 3.7 metres to 3 metres.

Overall, it is considered that the proposal would not compromise the open nature and character of the Green Belt, although this is a matter of judgement for members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The Residential Extensions and Alterations SPD states that large front extensions are generally unacceptable in Havering due to the adverse effect they can have on the appearance of the original house and the character of the street. In the exceptional circumstance of a front extension being acceptable, for example, in the case of a detached house set well back from the street or where the street comprises of an irregular building line, it must not project more than one metre forward of the main building line and must be designed to appear as part of the original house through employing matching finishing materials and roof style.

In this instance, the bay windows have a depth of 1 metre, which adheres to guidance. It is considered that the bay windows have been designed in sympathy with the dwelling and would appear in keeping with the streetscene.

It is considered that the cladding integrates well with the existing dwelling and would not appear visually intrusive in the streetscene.

It is considered that the two storey rear extension would not appear unduly prominent in the streetscene, as it would only be visible from an oblique angle.

It is Staff's view that the garage would not be harmful to the streetscene, as it has a pitched roof, has a relatively low height of 3 metres and would be set back a minimum of 23 metres from the southern boundary of the site.

IMPACT ON AMENITY

The Residential Extensions and Alterations SPD states that in most instances, an extension which closely matches the design of the original property in terms of roof style, materials and window size is likely to be the most appropriate design solution, particularly where the extension can be seen from the front or side of the property. In addition, the SPD states that for all two storey rear extensions, the roof should be pitched, set at right angles to the main roof and

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generally finished with a hipped end. In this instance, the storey rear extension has a twin hipped roof, which complies with guidance.

The SPD states that two storey rear extensions should project no more than 3 metres. In this instance, the depth of the two storey rear extension adheres to this guidance.

It is noted that the Shepherd & Dog Public House is located to the west of the application site. It is considered that the proposal would not adversely affect the Public House given its commercial use and its position to the rear of the application dwelling.

It is considered that the two storey rear extension would not result in a loss of light to No. 95 Shepherds Hill, as it would be approximately 3.5 metres from the eastern boundary, there is favourable orientation as the rear of the property faces North and the rear of No. 95 would project beyond the rear of No. 93 Shepherds Hill.

The Planning Inspector stated that the Juliet balcony would effectively amount to no more than a full-height window with railings across it. There would be no external surface to stand on, and thus no opportunity for overlooking in a sideways direction, towards No. 95 Shepherds Hill or any other neighbouring property. The Planning Inspector concluded that this feature would therefore not give rise to any greater degree of overlooking than a conventional window. Therefore, it is considered that the Juliet balcony would not result in undue overlooking and loss of privacy of adjacent occupiers.

The proposal features a new window and door on the eastern flank of the dwelling, although it is considered that they would not result in any undue overlooking as there is a concrete wall and timber paling fence on the eastern boundary.

The proposal features two first floor windows on the eastern flank of the dwelling, which serve a bathroom and en-suite. As such, a condition can be placed to obscure glaze and fix shut these windows with the exception of top hung fanlights if minded to grant planning permission.

The previous proposal included a car port and garage. In this instance, the car port has been removed from the proposal. In addition, the width of the garage has reduced from 4.8 metres to 4 metres. The depth of the garage has been reduced from 11 metres to 5 metres. The height of the garage has also been reduced from 3.7 metres to 3 metres. Taking into account the Planning Inspector's comments and the fact that the garage has been significantly reduced in size, it is considered that the garage would not result in a loss of amenity to neighbouring occupiers including No. 95 Shepherds Hill.

HIGHWAY/PARKING

The Residential Extensions and Alterations SPD states that a sufficient distance must be provided from the edge of the public highway boundary to the front of the garage to enable the garage door to be opened with a car standing in front of it. This will vary from a minimum of 6 metres for a traditional door or an up and over garage to a minimum of 4.8 metres for a roller door. In this instance, the garage would be set back a minimum of 23 metres from the public highway which is acceptable. It is considered that the proposal would not create any highway or parking issues.

KEY ISSUES/CONCLUSIONS

The proposed extensions would extend the cubic capacity of the original dwelling by 58%, which is moderately above the 50% volume criteria stated in Policy DC45 of the LDF Development

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Control Policies DPD. However, it is considered that amendments to the scheme have addressed the previous reasons for refusal and brought the scheme within the realms of acceptability. It is considered that the proposal would not result in disproportionate additions over and above the size of the existing building, nor would it compromise the open nature and character of the Green Belt. It is considered that the proposal would not be harmful to the streetscene or to the amenity of neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. For the reasons outlined above, 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. S SC10 (Matching materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. SC34B (Obscure with fanlight openings only)

The proposed first floor windows on the eastern flank of the dwelling shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

6. S SC08 (Garage) - restriction of use
7. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, no development under Classes A, B, C, D and E 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 character and openness of the Metropolitan Green Belt

2 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP17, DC33, DC45 and DC61 of the LDF Core

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Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD.

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:	P1292.11	
WARD :	Mawneys	Date Received: 17th August 2011
ADDRESS:	6 Collier Row Road Romford	
PROPOSAL:	Change of use of existing retail shop (A1 Class use) into take-away/restaurant (A3/A5 Class use) and extraction flue system to rear. Additional Plans Received 19.10.201	
DRAWING NO(S):	130.11/04 Revision A Proposed ground floor with site plan 130.11/02 130.11/04 Ordnance Survey map 130.11/01 130.11/03 130.11/05	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

This application has been called in by Councillor Ower due to concerns regarding the impact of noise and parking on local residents.

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

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

DESCRIPTION OF PROPOSAL

The application is for a change of use from retail (A1) to a takeaway/restaurant (A3/A5 use) and extraction flue to rear. It is proposed to use the premises for a pie and mash shop.

Opening hours are proposed to be 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 on Sundays and Bank Holidays.

The application is accompanied by indicative floor plans which indicate the provision of a seating area, service bar, kitchen, toilets and cold room.

In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flat roofed single storey rear projection of the building. Part of the ducting would overhang the flat roof of the building and would be supported by brackets. The duct would have dimensions of 5.4 metres in depth by 0.3 metres in width by 1 metre in height.

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RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 40 local addresses. Six letters of objection was received (two of which were from the same address) including a letter from Councillor Trew with detailed comments that have been summarised as follows:

- Lack of parking. The alley way to the rear of the property is congested with delivery lorries and vans.
- Litter.
- Noise.
- There are too many takeaway/restaurants in the immediate area.
- The Council should encourage different types of businesses into the area.
- Anti-social behaviour issues.
- Commented that Council checks are less rigorous for mixed restaurant and takeaway uses.
- Queried as to why opening hours and the type of food to be sold are not stipulated.
- The Council focuses on business rates, as opposed to assessing planning applications.
- Detrimental impact on community shops and services due to additional competition.

In response to the above, comments that the Council should encourage different types of businesses into the area and comments regarding business rates are not material planning considerations, as each planning application is determined on its individual planning merits. The opening hours have been provided by the agent. Comments regarding the type of food sold are not material planning considerations. The remaining issues are covered in the following sections of the report.

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

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

Highways Authority - No objection. There is currently available uncontrolled on street parking in the immediate vicinity and a Pay & Display car park within a short distance of the site, which is adequate.

RELEVANT POLICIES

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

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

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

- The use provides a service appropriate to a shopping area;

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

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

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

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

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between Nos 2 and 24 Collier Row Road. The frontage begins at the Special Moments Bridal & Evening Wear (No. 2 Collier Row Road) and ends at Barnardos charity shop at No. 24 Collier Row Road. This frontage has a total length of 66 metres.

There are 12 units within this parade. The three non-retail uses comprise No. 8 Chop Suey Centre Chinese takeaway, No. 16-18 - Lloyds TSB Bank and No. 20 Bairstow Eves estate agent. These three non-retail uses with a frontage measuring 20 metres, represents 31.8% of the total length of the parade in non-retail use. The proposed change of use at No. 6 Collier Row Road (with a frontage of 5.1 metres) would result in 39.6% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

The agent has advised that as landlords, they took possession of the property from Carlos Cycles Ltd in February 2011. The property has been marketed to let since then. The majority of applicants for lease have been catering companies requiring premises for A3/A5 use. As the premises are within A1 use class, the agent has rejected their approaches. The agent stated that it has become increasingly difficult to attract applicants within use class A1.

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A3/A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre. The proposed use would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open seven days a week during normal shopping hours. For the above reasons, the change of use is a matter of judgement for members.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the extraction flue would not adversely affect the streetscene, as it would be located on the flat roofed single storey rear projection of the building.

IMPACT ON AMENITY

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

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

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

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

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

In this instance, opening hours are proposed to be 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 on Sundays and Bank Holidays.

It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 22:30 on Sundays and Bank Holidays, although this time is comparable with other premises in the vicinity of the site.

Although the extract duct would be visible in the rear garden environment, it is considered that it would not result in an adverse visual impact, as it would be located on the flat roofed single storey rear projection of the building. Whilst the layout of the ducting is unusual, it is considered that the extract ducting would not result in a significant loss of amenity to neighbouring properties, as the flue itself would be approximately 10 metres from the residential properties on the first floor of the building. In addition, a condition from Environmental Health will be placed in respect of odours.

HIGHWAY/PARKING

There are two parking spaces for staff to the rear of the site, which are accessed from Hampden Road. The application site has no off-street car parking facilities for customers. There is

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currently available uncontrolled on street parking in the immediate vicinity and a Pay & Display car park within a short distance of the site, which is adequate. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A3/A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre. It is considered that the opening hours are deemed to be acceptable. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 23:00 on Mondays to Saturdays and 09:00 and 22:30 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. S SC58 (Storage of refuse)
5. Non standard condition
Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

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

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6. Non standard condition

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

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

7. Non standard condition

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

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

8. Non standard condition

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

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

3 INFORMATIVES:

1. Reason for approval:

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

2. The applicant should have regard to the following guidance and issues:

Guidance is provided in:

- * The Food Industry Guides to Good Hygiene Practice:
- * Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.
- * Further information is available at the following web sites:
- * Food safety www.food.gov.uk/foodindustry/
- * Occupational safety & health www.hse.gov.uk

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Food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our website:
online.havering.gov.uk/officeforms/licence_food_business.ofml.

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

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REGULATORY SERVICES COMMITTEE

REPORT

3 November 2011

Subject Heading:

Alleged breach of planning control at 178
Crow Lane, Romford

Report Author and contact details:

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

Policy context:

Local Development Framework
London Plan July 2011

Financial summary:

Defence of any appeal against
Enforcement Action and remedy of the
unauthorised development may have
financial implications

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

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

SUMMARY

This report relates to a site occupied by a removal business on the north side of Crow Lane in Romford. The site is in the Green Belt. Unauthorised development without the benefit of planning permission has taken place involving the erection of a canopy structure and a steel clad building. It is considered that both the canopy and building are inappropriate development in the Green Belt and have a harmful

impact on the openness of the Green Belt. Although planning applications have been submitted to retain the canopy and building, the structures have been in place for some time and it is therefore considered necessary for the Council to preserve its position by serving enforcement notices so that the structures remain unauthorised rather than becoming lawful due to the passage of time. It is recommended that planning enforcement notices be served.

RECOMMENDATIONS

That the committee consider it expedient to issue Enforcement Notices requiring, within 6 months, that:

- (i) The canopy structure, edged black on the attached plan be removed from the site together with all rubble and associated materials resulting from the removal;
- (ii) The steel clad building, hatched black on the attached plan be removed from the site together with all rubble and associated materials resulting from the removal.

In the event of non-compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

REPORT DETAIL

1. Site Description

- 1.1 The site is located to the northern side of Crow Lane and comprises No. 178 Crow Lane and land to the rear. It forms part of a larger site which includes 188 Crow Lane and is in a commercial use which includes the storage of containers in connection with a removals business. In addition to the frontage building, the application site contains a number of buildings which provide ancillary office accommodation together with some storage. The site has direct access onto Crow Lane. The site is within the Metropolitan Green Belt.
- 1.2 The surrounding area is a mixture of residential (mainly to the road frontage), many with commercial activities behind and a purely commercial area to the east of the application site beyond No. 158 Crow Lane. There are also open vegetated areas along Crow Lane to the West and to the

north of the application site, beyond which lies the London – Southend Railway Line.

2.0 The Alleged Planning Contravention

2.1 There are two alleged planning breaches at the site.

2.2 The first concerns a canopy. The canopy is located in a central location beyond the existing frontage buildings, at its nearest point, 56m or so from the back edge of the public highway to Crow Lane. The canopy is comprised of steel uprights and roof beams with a plywood/canvas roof covering. The canopy structure is 37m long and 15m wide. It has a pitched roof with a ridge height of 9.2m above ground level (eaves height 6.5m above ground level) with gables to the southern and northern elevations. Retractable shutters are present on the southern elevation. From correspondence with the operator of the site, it is understood that the canopy is intended to provide a covered area for the loading and unloading of containers. It can also provide some storage for historical artefacts connected to the removals industry.

2.3 The second alleged breach concerns a steel clad building. The building is located adjacent to the eastern boundary, at its nearest point some 84m or so from the back edge of the public highway to Crow Lane. The building is 16.25m deep and 14.6m wide. It has a pitched roof with a ridge height of 8.8m above ground level (eaves height 6m above ground level) and gables to the western and eastern elevations. It faces west with the two roller shutter doors located centrally with two pedestrian doors flanking them. From correspondence with the operator of the site, it is understood that the building is intended to provide storage for historic artefacts connected to the removals industry.

3.0 Relevant Planning History

3.1 The planning history relating to 178 Crow Lane and 188 Crow Lane are inextricably linked due to them being in the same ownership and as they have a physical connection. There is extensive planning history relating to the application site/sites and the following are the relevant applications:

P1402.90 (178) – erection of a storage building - refused; subsequent appeal dismissed

P1177.94 (178) – retention of a building for use as a museum – refused 6/1/95; subsequent appeal dismissed

P1012.95 (178) – building for use as a museum – refused 11/10/95; subsequent appeal dismissed

P1451.98 - buildings for vehicle maintenance, workshop, store, office and WC (at 178-188 Crow Lane) – granted 28-05-99

P0384.00 (188) – repair and refurbishment of existing building for storage and museum – lapsed 7/11/02; appeal made (not determined)

P0158.01 (188) - replacement building for museum, offices, workshop and storage – refused Jan 2002; appeal dismissed 29/7/02

P1513.02 (188) – replacement building for museum, offices, storage and workshop at rear. This application was called-in by the Secretary of State who decided to refuse planning permission

P1803.10 (178) – Retention of steel clad building – withdrawn by applicant

P1804.10 (178) – Retention of canopy – withdrawn by applicant

P1413.11 (178) – Retention of canopy – currently under consideration

P1414.11 (178) – Retention of steel clad building – currently under consideration

4.0 Enforcement Background

4.1 A complaint was received in January 2008 that a steel structure was being erected at the site. Upon investigation, it was found that two structures were being constructed, as described in Section 2.0 above. The operator of the site was advised that the structures did not have the benefit of planning permission and that this should be addressed.

4.2 Planning applications to retain the structure/building were submitted in 2010, but these were subsequently withdrawn. In September 2011, two new planning applications were submitted and these are currently being considered.

5.0 Material Planning Considerations

5.1 Policy DC45 of the LDF Core Strategy and Development Control Policies DPD indicates that planning permission for development in the Green Belt will only be granted if it is for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and Park and Ride facilities. This is the list drawn from national planning guidance, PPG2 “Green Belts”.

5.2 The Government have issued a consultation draft National Planning Policy Framework (July 2011). The draft guidance includes reference to maintaining the protection of the Green Belt. However, as the document is for consultation and subject to change, it currently has little weight.

5.3 The existing use of the application site is a commercial removals depot which does not fall within any of the listed categories. The storage of artefacts similarly does not fall within the listed categories. The canopy and steel clad building are therefore inappropriate development in the Green Belt, by definition harmful in principle to the purpose of the green belt.

- 5.4 The reasoned justification to Policy DC45 refers to Planning Policy Guidance Note 2 – Green Belts which states a general presumption against inappropriate development. By its very nature, inappropriate development is considered to be harmful to the Green Belt, in principle. In order to outweigh such harm, together with any additional harm caused by the physical impact of the building on the setting and openness of the Green Belt, very special circumstances must be clearly demonstrated. If not, planning permission should be refused.
- 5.5 Policy DC45 clarifies that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment. The unauthorised canopy and structure are not part of the redevelopment of the site and are additional to the existing buildings on the site. Therefore, there is not considered to be an improvement to the Green Belt environment as a result of the unauthorised works that have taken place.
- 5.6 The five purposes of the green belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 The Planning Inspector in his decision letter dated 25th September 2003 in relation to the application site indicated that the site has a role in restricting the growth of the built-up area and in preventing the coalescence of Romford and Dagenham which meet the first two purposes of the green belt. In his view the site in this part of Crow Lane “retains a distinct open and low-density character, and it appeared to me to continue to perform the roles of separating neighbouring settlement and restricting urban sprawl”.
- 5.8 The Planning Inspector further noted that “The appeal site is part of a narrow finger of Green Belt that links areas to the north and south of Crow Lane” such that “I consider it to be a sensitive part of the Green Belt. If the openness of the land were to be further reduced, an undesirable fragmentation of the Green Belt could result.”
- 5.9 The status of the application site in green belt terms has not diminished since the Planning Inspector made his comments. The site continues to fulfil the first two purposes of the green belt even though the use of the site itself does not fall within the range of appropriate uses of land in the green belt.
- 5.10 The canopy and steel clad building are not particularly visible from Crow Lane, although they are visible from within the site. Long range views of the unauthorised canopy and building is currently limited by stacks of shipping containers covering a large part of the site. The containers are a feature of the current use, which is of itself an inappropriate use in the green belt. Nonetheless, containers can be removed from the application site and

moved around the site in connection with the applicant's business such that they would not provide a permanent physical screen. Notwithstanding that the site's established and historic use which pre-dates Planning (i.e. before 1948) causes some harm to the green belt by its very nature, the height and location of the containers currently do reduce the visibility of the structure.

- 5.11 If the use were to cease, while the containers would be removed, any structures including the unauthorised canopy and steel-clad building would remain permanently on the land. It is therefore considered that it would be capable of being visible from public viewpoints and therefore, due to its size, scale and inappropriateness in the green belt, would have an adverse impact on the openness of the green belt and purposes of including the site within it.
- 5.12 The Planning Inspector clarified that the fundamental aim of Green Belt policy is to prevent urban sprawl by "keeping land permanently open". Staff therefore consider that the development of these large permanent structure and building results in harm to the open character and appearance of this part of the green belt and the purposes of including land within it, contrary to Policy DC45 and PPG2.
- 5.13 Staff consider that the retention of canopy and building in the green belt is inappropriate in principle. It is further considered that there would be harm to the open character and appearance of the green belt.
- 5.14 Some very special circumstances were put forward in the withdrawn planning applications. Consideration of these should be properly considered as part of a planning application and given the planning history it is difficult to attach significant weight to these in deciding whether it is expedient to take enforcement action – particularly as the very special circumstances may change in the future long after the canopy/structure has become lawful and there would be no way to control these without them being accepted through the planning application process through either conditions or legal agreements.

6.0 Justification for Intended Action

- 6.1 The canopy structure and steel clad building have been in place for some time now, since the early part of 2008. Under current planning legislation, if buildings/structures remain in place for more than 4 years, then they become immune from enforcement action.
- 6.2 Discussions have been ongoing with the operator of the site and as a result of these discussion, planning applications for the retention of the unauthorised structure/building were submitted, accompanied with a statement of very special circumstances to be weighed up against the inappropriateness of the development. However, these planning applications were subsequently withdrawn by the applicant. Further planning applications

have recently been submitted, together with a statement of further very special circumstances, which are currently being considered.

- 6.3 Given the passage of time since the submission of the application, it is considered necessary for the Council to "preserve" its position to ensure that the structures remain unauthorised until such time as planning permission is granted to retain them or they are removed in accordance with any notice(s) that are served. The operator of the site has been informed of the intention to seek enforcement authority to preserve the position.
- 6.4 Any decision to serve enforcement notices does not prejudice any consideration of the current applications. These will be assessed objectively and reported to Committee on their merits. There is also a right of appeal against any Enforcement Notices including on the grounds that planning permission ought to be granted.
- 6.5 The harm that the canopy and building is causing to the Green Belt has been identified and this is contrary to adopted national and local planning policy. In the circumstances it is expedient to serve enforcement notices requiring the removal of the canopy structure and steel clad building.
- 6.5 Given that there are current planning applications, it is considered reasonable to allow a six month compliance period for any notices.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement proceedings may have financial implications for the Council

Legal implications and risks:

Enforcement action, defence of any appeal, and prosecution or other procedures required to remedy the breach of control will have resource implications for the Legal Services

Human Resources implications and risks:

No implications identified

Equalities implications and risks:

No implications identified

BACKGROUND PAPERS

1. Site Plan



178 Crow Lane, Romford	Map Reference: TQ4987NE
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 	Scale @ A4 1:1250 Date: 06/10/2011	Scale 0 10 20 30 40 50 m
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 Havering LONDON BOROUGH	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01709 424242	© Crown copyright and database rights 2011 Ordnance Survey 100024327
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