



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
22 March 2012**

**Council Chamber -
Town Hall**

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 MINUTES (Pages 1 - 8)

To approve as a correct record the minutes of the meeting of the Committee held on 2 February 2012 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 9 - 38)

Applications within statutory period.

6 P0040.12 - CORBETS TEY SCHOOL, HARWOOD HALL LANE (Pages 39 - 48)

- 7 **P1417.11 - OLDCHURCH HOSPITAL (WEST)** (Pages 49 - 78)

- 8 **P0962.11 - FORMER PREMIER MOTORS** (Pages 79 - 98)

- 9 **P1578.11 - 143 CROW LANE** (Pages 99 - 110)

- 10 **P1862.11 - LODGE CARE HOME EXTENSION** (Pages 111 - 126)

- 11 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 127 - 156)
Applications outside statutory period

- 12 **RUSHDON CLOSE - DEED OF VARIATION** (Pages 157 - 162)

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

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
2 February 2012 (7.30 - 9.45 pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Robby Misir, Garry Pain, Steven Kelly and Linda Trew

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group**

Apologies were received for the absence of Councillors Sandra Binion and Fred Osborne and Mark Logan.

+Substitute members: Councillor Linda Trew (for Sandra Binion) and Councillor Steven Kelly (for Fred Osborne)

Councillor Paul Rochford was also present for parts of the meeting.

35 members of the public and a representative of the Press were present.

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

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

239 DECLARATION OF INTERESTS

Councillor Linda Trew declared a prejudicial interest in item P1746.11 by virtue of pre-determination. Councillor Trew left the room during the discussion and took no part in the voting.

240 MINUTES

The minutes of the meeting held on 15 December 2011 were agreed as a correct record and signed by the Chairman.

241 **P1855.11 - 25-55 JONATHANS HOUSE CHAPLAINCY GARDENS, ALLENBY ROAD, HORNCHURCH - CONSTRUCTION OF TWO 1 BEDROOM FLATS WITHIN THE UNDERCROFT AREA TO FLAT 25-55 INCLUDING JONATHAN HOUSE**

The report before members detailed an application for the construction of two 1 bedroom flats within the existing under-croft of the building, currently used to provide 4 parking spaces. Each flat would be arranged with an open plan living room and kitchen, separate bedroom and bathroom. The flats would be accessed by an internal corridor.

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

The Committee noted that the application had been called in by Councillor John Mylod on the grounds of restricted car parking and overdevelopment.

With its agreement, Councillor Mylod addressed the Committee. Councillor Mylod commented that the current parking spaces on the site were fully utilised and the surrounding roads were suffering from displaced parking. Councillor Mylod also commented that emergency vehicles could struggle to gain access to the site due to the parking issue. Councillor Mylod suggested that current and future residents could suffer from a loss of amenity if the planning permission was granted. Councillor Mylod asked that the Committee reject the scheme for the above reasons.

During the debate, members discussed the size of the proposed flats, parking provision and sought clarification of the current number of parking spaces provided.

A motion to refuse the granting of planning permission was lost by 4 votes to 6. Councillors Pain, Hawthorn, Ower and McGeary voted for the motion to refuse planning permission. Councillors Oddy, Tebbutt, Brace, Kelly, Misir and Trew voted against the motion.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and with an additional condition requiring submission, agreement, implementation and maintenance of a management scheme to control on site parking. The vote for the resolution was passed by 6 votes to 4. Councillors Oddy, Tebbutt, Brace, Kelly, Misir and Trew voted for the resolution to grant planning permission. Councillors Pain, Hawthorn, Ower and McGeary voted against the resolution to grant planning permission.

242 **P1870.11 - 44 HERBERT ROAD EMERSON PARK HORNCHURCH -
DEMOLITION OF EXISTING BUNGALOW, CONSTRUCTION OF SIX
DETACHED DWELLINGS WITH ASSOCIATED VEHICLE ACCESS AND
LANDSCAPING**

The report detailed an application which sought permission for the demolition of an existing bungalow and erection of six detached dwellings.

Members noted that 22 letters of representation and a petition containing 11 signatures had been received.

Members also noted that the application had been called in by Councillors Paul Rochford and Steven Kelly on the grounds of possible overdevelopment.

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

With its agreement, Councillor Paul Rochford addressed the Committee. Councillor Rochford commented that the proposal would create a negative impact on amenity due to its overbearing nature and urged the Committee to reject the application.

Members discussed the surrounding properties and their size in relation to the properties outlined in the application.

A motion to refuse planning permission was carried by 7 votes to 1 with 2 abstentions. Councillors Tebbutt, Misir, Trew, Pain, Brace, Hawthorn and Ower voted for the motion to refuse planning permission. Councillor Oddy voted against the motion to refuse planning permission. Councillors Kelly and McGeary abstained from voting.

It was **RESOLVED** that, contrary to officer recommendation, that planning permission be refused on the grounds that the proposal, by virtue of the number and size of dwellings and the arrangement of garden space around them, would represent a cramped overdevelopment of the site, out of keeping with the spacious setting of the surrounding properties and streetscene and therefore harmful to the character and appearance of the Emerson Park area.

The vote for the resolution was carried by 9 votes to 0 with 1 abstention. Councillors Oddy, Tebbutt, Brace, Misir, Pain, Trew, Hawthorn, Ower and McGeary voted for the resolution to refuse planning permission. Councillor Kelly abstained from voting.

243 **P1850.11 - DAGNAM PARK, ROMFORD - CHANGE OF USE FROM AGRICULTURAL LAND TO PUBLIC OPEN SPACE TO FACILITATE THE EXPANSION OF DAGNAM PARK**

The report before members detailed an application that proposed the material change of use of approximately 82 hectares of land from mainly agriculture to public open space. The application would involve a range of environmental and nature conservation works.

The Committee noted that there had been no objection from the Council's Highways department and that 1 letter of representation had been received.

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

During discussions officers confirmed that the existing fencing that surrounded the park would be retained to deter motorcyclists from using the park. Officers also confirmed that the Council's Parks Protection Service were aware of problems with motorcyclists using the park and were addressing the issue.

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

244 **P1746.11 - 62 COLLIER ROW ROAD ROMFORD - CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A5 (TAKEAWAY) INCLUDING ERECTION OF EXTERNAL FLUE**

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

Members noted that five letters of representation had been received.

The Committee noted that although the change of use would be contrary to Policy DC16, it was considered that on balance, the A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre.

During the debate members discussed issues relating to parking in the area.

It was **RESOLVED** that although the application would be contrary to Policy DC16, it was considered that on balance, the A5 use would be acceptable (the Reason for Approval in the report was amended to reflect this), 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 and therefore planning permission be granted subject to the conditions as set out in the report. The vote for the resolution was passed

by 7 votes to 0 with 2 abstentions. Councillors Oddy, Tebbutt, Brace, Kelly, Misir, Pain and McGeary voted for the resolution to grant planning permission. Councillors Hawthorn and Ower abstained from voting.

As stated at the beginning of the minutes Councillor Linda Trew declared a prejudicial interest in item P1746.11 by virtue of pre-determination. Councillor Trew left the room during the discussion and took no part in the voting.

245 **P1905.11 - SPRINGFIELD PARK CORNER FARM HACTON LANE/PARK FARM ROAD, UPMINSTER - THE INSTALLATION OF A 22M SLIM LINE POLE WITH SIX ANTENNAS ENCASED WITHIN A GRP SHROUD, ONE 300M DISH, FOUR RADIO EQUIPMENT HOUSING, CHAIN LINK FENCING AND ANCILLARY DEVELOPMENT**

The application before members sought permission for the provision of a 22m high telecommunications column with six antennas encased within a shroud. It was also proposed to install an ancillary dish, radio equipment housing within a chain linked fence measuring 6.2m wide by 4.7m deep.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of visual intrusion and Green Belt location.

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

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The vote for the resolution was passed by 6 votes to 3 with 1 abstention. Councillors Tebbutt, Brace, Kelly, Misir, Pain and Trew voted for the resolution to grant planning permission. Councillors Oddy, Hawthorn and Ower voted against the resolution to grant planning permission. Councillor McGeary abstained from voting.

246 **P1607.11 - CARNFORTH HALL CARNFORTH GARDENS, ELM PARK, HORNCHURCH - NEW PART PITCHED ROOF, DORMER, TWO STOREY FRONT EXTENSION AND CONVERSION OF CHURCH HALL TO FIVE LUXURY APARTMENTS**

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

247 **P1763.11 - RYDAL MOUNT NORTH ROAD, HAVERING ATTE BOWER - SINGLE STOREY CONSERVATORY TO SIDE ELEVATION**

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

248 **P0368.09 - PELL COURT 165-171 HORNCHURCH ROAD - VARIATION UNDER SECTION 106A OF A UNILATERAL UNDERTAKING UNDER SECTION 106 DATED 10TH JUNE 2009 FOLLOWING THE GRANT OF PLANNING PERMISSION UNDER REFERENCE P0368.09 FOR 23 SHELTERED RESIDENTIAL APARTMENTS AND HIGHWAYS CONTRIBUTION.**

The Committee considered the report and without debate, **RESOLVED** that staff be authorised to enter into a Section 106 Legal Agreement under the Section 106 and 106A of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), with the agreement of the party offering the undertaking in the original unilateral undertaking or their successors in title to secure the following Deed of Variation pursuant to Section 106A of the 1990 Act relating to clauses 3.3, 4 and 5 of the unilateral undertaking dated 10th June 2009 (the original unilateral undertaking):

- The lease tenancy agreement licenses or other occupancy agreement relating to the dwelling unit known as Plot 22, shown hatched in red on the Second Floor Plan, clause 3.3 shall be amended to enable the prospective occupant who does not meet the agree restriction in the original Unilateral Undertaking to reside there.
- That clauses 4 and 5 of the unilateral undertaking dated 10th June 2009 shall be deleted.
- That the Applicant (Great Homes Limited) shall enter into a Section 278 agreement under the Highways Act 1980 with the Council as Highways Authority to secure the footway works to the extent shown hatched on Drawing Reference HRBR/01/02 Revision A, attached.
- Following satisfactory completion of the said footway works by the Head of Streetcare issuing a Final Certificate in respect of those works the Council shall repay the balance of the Highways Contribution (the sum of £20,500) having first deducted the supervision fees for the footway works and the costs incurred by the Council in respect of their investigation works into the siting of the Zebra Crossing.

- Save for the obligations set out in the above bullet points, the variation of clause 3.3 and the deletion of clauses 4 and 5 of the unilateral undertaking dated 10th June 2009 and any consequential variations or deletions all recitals, terms, covenants and obligations in the original unilateral undertaking will remain unchanged.

Chairman

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Agenda Item 5

Regulatory Services Committee

22nd March 2012

WITHIN STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-4	P0023.12	Rainham & Wennington	33-39 Upminster Road South, Rainham
5-12	P0133.12	South Hornchurch	120 Cherry Tree Lane, Rainham
13-20	P0138.12	Emerson Park	93-95 Redden Court Road, Romford
21-27	P0155.12	Havering Park	St Francis Hospice, The Hall, Broxhill Road, Havering-atte-Bower, Romford

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REGULATORY SERVICES COMMITTEE

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APPLICATION NO:	P0023.12	
WARD :	Rainham & Wennington	Date Received: 6th February 2012
ADDRESS:	33-39 Upminster Road South Rainham	
PROPOSAL:	Conversion of first floor from D1 (Institution) into 3No. 3 bedroom flats	
DRAWING NO(S):	01 - 09	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No

SITE DESCRIPTION

The application site comprises a two two-storey building, with a mixture of A1 and A2 uses at ground floor at ground floor level and used by Homes in Havering (D1) at first floor. The application property comprises of the entire first floor of No's. 33-39 Upminster Road South. The application site forms part of the Retail Core of the Rainham Minor District Centre and also falls within the Rainham Conservation Area.

Access to the site will be gained from the rear of the building from Parkway. The site currently provides parking provision to the rear for approximately 15 vehicles. The surrounding area is characterised by a mixture of A1, A2, A3 and A5 uses contained within buildings that differ in height between two-, and three-storeys.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the conversion of the first floor to No's. 33-39 from D1 use to 3 no. 3-bedroom flats. The flats would be accessed from the rear of the building via an internal staircase leading to the rear balcony. Each flat would have a front door accessed via the rear balcony. The flats would consist of a lounge, kitchen, bathroom, store and 3-bedrooms.

The proposal would retain 15 parking spaces to the rear of the subject building. No amenity space provision has been provided.

The proposal would not increase the existing floor space. The only external change would be the extension of the flat roof at the rear in order to cover the existing balcony and the replacement of the balcony railings with a brick wall.

RELEVANT HISTORY

There is no relevant recorded history.

CONSULTATIONS/REPRESENTATIONS

No objections were raised to the proposal. A site notice was displayed advertising a development in the Conservation Area.

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The Borough Crime Prevention Design Adviser has stated that the application fails to demonstrate how crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes of Safer Places as required by DC63. A Secure by Design condition is recommended in the event of an approval.

STAFF COMMENTS

The issues for Staff to consider include the principle of development, design/streetscene issues, amenity issues, parking and the impact on the setting and character of the Rainham Conservation Area.

PRINCIPLE OF DEVELOPMENT

PPS3 supports the need for a wider variety of housing. PPS6 recognises that housing is an important element in most mixed-use, multi-storey developments. The proposal would serve to introduce 3 flats to this location which is in principle acceptable within national guidance and Havering's LDF.

Density and Site Layout

The site is classed as Rest of Borough with an anticipated housing density of between 30-50 dwellings per hectare. The site comprises 0.094ha. The site has a mixture of commercial and residential uses. When only considering the addition of residential properties the proposal would produce a density of 32 dwellings per hectare which is within the acceptable density range.

The application proposes the provision of 3 flats. The proposals do not include the provision of private amenity space as part of the scheme. Given the particular nature and location of the site, staff are of the opinion that the central location within Rainham Town Centre allows easy access to recreational activities, with parks and open areas within a close walk from the site.

The proposed flats would also provide a sufficient amount of internal living accommodation, the gross internal floor space in excess of 75 square metres would exceed the minimum requirement for a 3 bedroom flat, referred to in Policy 3.5 of the London Plan.

CONSERVATION AREA

The Rainham Conservation Area Character Appraisal states that the historic centre is defined by the continuous frontages of varied 18th and 19th century shops and houses on Broadway and Upminster Road South, which form an attractive traditional setting to the churchyard. The street frontages are in strong contrast to the haphazard and mostly neglected backlands of the shops of Upminster Road South and Bridge Road, which face the new Tesco; these back views provide an unfortunate first sight of Rainham on the new footpath from the car park to the centre.

Upminster Road South, has at Nos. 1-27 the most consistently good group of unlisted buildings in the conservation area, a continuous run of two storey very early 19th century cottages with ground floor shops, many of which retain good fronts and details. The group at Nos. 9-27 all have simple plain glazed sashes, dentil cornices, chunky stacks and slate roofs the consistency of the white render and fenestration at the first floor is very important - and most have more-or-less traditional timber shop fronts, although the first and the last two have been entirely rebuilt.

LDF Policy DC68 states that planning permission will only be granted for development which preserves or enhances a Conservation Area. The proposal would not result in an increase in floor area. Only minor external changes to the rear balcony are proposed. Staff are of the view

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that the proposal would not result in unacceptable harm to the special character and appearance of the conservation area.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

In this instance, the only external change to change to the building would involve the extension of the flat roof over the rear balcony and the replacement of the balcony railings with a brick wall.

Staff do not consider the external changes to have a harmful impact on the streetscene or rear garden environment as it is of a minor nature and would not be much different from the existing rear elevation.

IMPACT ON AMENITY

The proposed development is separated by an alley way from the residential uses to the east. To the rear of the property there is a separation distance of approximately 33m between the rear of the subject site and the front of the nearest residential units at No's. 13 - 16 Parkway. Staff therefore do not consider the proposal to result in any impact to neighbouring amenity of these properties.

The proposal abuts offices to the the west. A bedroom, kitchen and lounge would be situated next too the offices. Although there may be some impact from the office use to the abutting bedroom, Staff do not consider this to be unacceptable as the offices are used by a bank which operates during normal office hours. Also, a new owner or tenant would be aware of the living rooms abutting offices.

HIGHWAY/PARKING

LDF Core Strategy and Development Control Policies Development Plan Document requires the provision of 1.5 - 2 spaces per unit. There is currently 15 spaces available to the rear of the premises which would be shared between the three commercial units at ground floor and the new proposed flats. Staff consider this arrangement to be sufficient to address the parking requirements. In any event, given the location of the site within the Rainham Town Centre where there are good public services within a short walk in the form of buses and trains, a reduction in parking standard would not be unacceptable.

FLOOD RISK

The site is located within Flood Zone 3. While the proposal does include the creation of three residential units, these would be situated on the second floor and would therefore not be affected in the event of flooding.

KEY ISSUES/CONCLUSIONS

In conclusion, Staff are of the view that the proposed change of use of the first floor from D1 use to residential flats to be acceptable in principle. The proposal would only entail minor external changes to the rear and would therefore not have a harmful impact on the streetscene or rear garden environment. The proposal would not have a harmful impact on residential amenity and does not raise any parking or highway concerns. Although there is no provision of amenity

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space, Staff consider this acceptable given the Rainham Town Centre location.

The proposal is considered in keeping with the aims and objective of Policies DC1, DC2, DC3, DC4 DC33, DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD. Staff recommends approval accordingly

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 SC58 (Storage of refuse)

4. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how "Secured by Design" accreditation 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 Local Development Framework.

1 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC1, DC2, DC3, DC4 DC33, DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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APPLICATION NO:	P0133.12	
WARD :	South Hornchurch	Date Received: 31st January 2012
ADDRESS:	120 Cherry Tree Lane Rainham	
PROPOSAL:	Demolition of existing buildings and erection of 7No. luxury apartments-Outline application Revised Plans received 13th and 14th March 2012	
DRAWING NO(S):	SK/69390/11.4	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site comprises a large single-height building with parking to the rear which was formerly the Council's Cherry Tree Lane Depot at No.120 Cherry Tree Lane. The existing site's vehicular access is to the rear running behind (and shared with) the adjoining blocks of flats to the north before exiting onto Cherry Tree Lane between flat No s 164 and 170 Cherry Tree Lane. There is a single pedestrian access directly onto Cherry Tree Lane. There are two small/medium trees and some shrubs to the Cherry Tree Lane frontage which are contained within a mainly grassed area. To the rear south-eastern corner of the application site is an electricity sub-station. The site area is 0.08 hectares.

The area is otherwise mainly residential in character with 2-storey terraces and semi-detached housing with 2-storey flats to the north of the application site fronting onto Cherry Tree Lane. To the rear of the site (east) beyond the electricity sub-station is a public park.

DESCRIPTION OF PROPOSAL

The proposal is a resubmission following refusal of an 8-unit flatted scheme (P1188.11), is in outline and is for the demolition of the depot buildings and the erection of a single block containing 7 flats. Matters to be determined at this stage are Access, Appearance, Layout and Scale. Only Landscaping is reserved for later consideration.

The proposed building would be 18.2m wide and 12m deep (previously - 17.7m wide and 13m deep). It would have a pitched roof with side gables with a ridge height of 9.2m (previously 9m) above ground level. The building would be set back from the rear edge of the highway by 3m/3.2m (previously 3.4m) and 1m (previously 1.2m) from each flank shared boundary. There would be velux windows to the front elevation with three large dormers with 2 windows each to the rear elevation (previously 4 dormer windows each to the front and rear roof slopes). Entrances to the flats are from all sides of the building with ground floor flats accessed from the front and upper-floor flats accessed from the sides and rear.

It is proposed to provide 2x 2-bed and 1x1-bed flats to the ground floor, one 2-bed and 1x 1-bed flat to the first floor, a 2-bed duplex unit to the first floor and roof level and a one-bed flat at roof level (previously three flats each to the ground and first floors with two flats in the roof space). The accommodation would comprise 4, two-bed units and 3, one-bed units.

11 Parking spaces would be provided to the front and rear of the building; those to the rear

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accessed via the existing rear access.

While landscaping is proposed for consideration as a reserved matter, at least one of the existing trees to the front of the application site is proposed to be retained.

The main changes since the earlier refused scheme are:

- a reduction in the number of units from 8 to 7
- stagger introduced
- an increase in the width from 17.7m to 18.2m
- reduction in the depth from 13m to 12m
- a small increase in the height
- small reduction in the set back
- addition of balconies to the front of the building
- increase in parking spaces from 9 to 11

In relation to the approved scheme for three terraced houses (P1606.11), the current proposal would be 1.7m wider and 1.9m deeper with front balconies, but have the same gables with a ridge height of 9.2m and velux and dormer arrangements. In terms of layout, the differences relate to the number of parking spaces and amenity areas which for the three terraces was 6 parking spaces and separate garden areas.

CONSULTATIONS/REPRESENTATIONS

29 neighbouring occupiers were notified of the proposal. There have been no responses.

The London Fire and Emergency Planning Authority have written to indicate that they are satisfied with the proposals.

The London Fire Brigade have written to indicate that they conclude that no additional fire hydrants are required and that, as a result, they have no further observations to make.

Thames Water have also written to advise that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. They also advise that they have no objection to the scheme in regard to sewerage infrastructure.

The Metropolitan Police Crime Prevention Design Advisor has written requesting conditions and an informative are attached to any grant of planning permission in relation to community safety and Secured by Design.

English Heritage have written recommending a programme of archaeological works and requested a condition and informative are attached to any grant of planning permission.

STAFF COMMENTS

The issues in this case are the principle of development, density and layout, its impact in the streetscene, on residential amenity and parking/highways.

PRINCIPLE OF DEVELOPMENT

The proposal is for 7 flats. Policy DC2 indicates that permission would normally be granted for residential uses within the existing urban area. The proposed redevelopment is on a formerly developed, or 'brownfield' site within the urban area.

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The proposal for residential redevelopment of this site is acceptable in principle, subject to the details of the scheme being acceptable.

DENSITY/SITE LAYOUT

The density range for this site is 30-50 units per hectare where the public transport accessibility level is 1-2. The proposed density would be 87.5 units per hectare which is considerably above the density range. Nonetheless flatted development is normal of higher density and density is one indicator such that the main consideration is whether the proposal is of a high quality of design and layout.

The London Plan identifies at Policy 3.5 the minimum sizes for flatted development. For 1 bed/2-people flats a minimum gross internal area (GIA) of 50 sq.m is expected; for 2 bed/3 people - 61 sq.m; and, for 2 bed/4 people - 70 sq.m. The smallest one-bed flat would have a GIA of 54.3 sq.m. The smallest 2-bed flat would be 72 sq.m. This would meet the minimums indicated.

The proposed amenity space would be limited due to the need to provide a minimum of 11 parking spaces at the application site for the proposed 7 flats. The SDP on Residential Design indicates that there is no specific space requirement but that balconies can provide additional individual amenity space for flatted development. The 3 balconies would each be 2.3 sq.m which is below the required minimum size of 5 sq.m. Staff nonetheless consider that, as Landscaping is a reserved matter and at least 135 sq.m of communal space could be landscaped to provide a usable and private shared space to the rear of the application site, that there is a large public amenity area to the rear of the building which is directly accessible from the access drive and that the arrangement of parking spaces and set back to the front would provide a reasonable setting for the building, the amount of amenity space overall would be acceptable.

Parking would be provided to the front and rear of the application site such that any landscaping would be limited to the front, including a retained tree and amenity area limited to the rear.

There is parking in front gardens to the south of the application site and parking to the rear to flatted development to the north such that this arrangement in layout terms is not considered to be unacceptable.

Staff consider that the proposed density and layout would be acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The SPD on Residential Design indicates that new development should exhibit the same road layout, set backs and form of development as the area around the proposed development. The surrounding area is of two-storey residential development of flats/houses with their frontage onto Cherry Tree Lane. There is a considerable stagger between the properties which are closer to the highway to the south of the application site than the more set back flatted block to the north. The proposal would be for a block of 7 flats which would be set back between the two adjoining existing properties, the flats to the north and houses to the south in a staggered arrangement.

While the building envelope would be similar to that of the 3 houses approved in 2010 it would be approximately 2m wider. The development would have a higher ridge line than existing surrounding development and front balconies, however the proposal looks like a small terrace and Staff considered that the proposal would not appear out of character with existing 2-storey development in the locality such that it would have an acceptable impact on visual amenity in the streetscene.

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The proposed arrangement of parking space to the front would enable the retention of an existing tree and a larger area of landscaping to the north of the application site. It is considered that as Landscaping itself is a "reserved matter" that this would need to be considered in detail at a later stage.

The building would be located fronting onto Cherry Tree Lane. Its rear elevation would be located at a depth between that of the residential properties to the south and the flats to the north. The SPD on Residential Extensions and Alterations indicates that rear extensions can be acceptable where they are more than 2m from the adjoining property and no more than 3m deep on two-storeys. In applying this to new build accommodation, the proposal would extend 4.5m beyond the first floor rear elevation of No.118 Cherry Tree Lane but would be located some 4m (previously 6m) from this property's flank elevation. It should be noted that No.188 Cherry Tree does have a single-storey rear extension. Staff therefore consider that the relationship would not result in any harm to the rear garden environment.

IMPACT ON AMENITY

The nearest residential properties are the houses/flats to Cherry Tree Lane identified as No.s 118 and 122-136 Cherry Tree Lane. In relation to the flatted block to the north, the proposed development would be located significantly forward of the flat's front windows. It is nonetheless considered that given the distance between the two buildings and that the proposed building would not incur into a 45 degree line drawn from the corner of the nearest existing flat, that there would be no adverse impact on the outlook or amenity of these occupiers.

In relation to the property to the south, as indicated above, the rear wall of the new building would be set deeper into the application site than the semi-detached pair's own original rear elevation. Nonetheless, given the significant separation distance and that the proposed development would be located to the north of these properties, it is considered that there would be no significant harm to these occupiers amenity.

The windows in the flank elevations of the proposed building would all be to bathrooms and could be obscure glazed and fixed shut. It is therefore considered that there would not be any overlooking or privacy issues as a result.

The number and location of car parking spaces would give rise to noise and disturbance outside the former hours kept by the depot and particularly to the front of the building where new parking would be provided. In addition 2 of the upper flats would be accessed via side doors. However, it is considered that the loss of larger, likely noisier vehicles from the application site and that most single properties have frontage parking, that there would be no significant affect on existing residential amenity.

HIGHWAY/PARKING

In this location, parking provision is expected to be 1.5 to 2 parking spaces per dwelling, i.e., between 10.5 and 14 spaces. The proposal would provide 11 parking spaces which would meet the minimum requirement.

As a result of the need for 11 spaces within the site boundaries, the rear amenity space is limited and this is a matter of some judgement. Cycle racks would be provided to the rear with a refuse store provided to the front.

Suitable refuse and recycled materials storage would be provided to the front of the building. It is not clear that the facility shown would be sufficient for 7 flats waste and recycling materials,

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nonetheless a suitable condition can be attached to require further details to be provided.

TREES

Landscaping is a reserved matter, nonetheless, the applicants have indicates that it is their intention to retain at least one tree to the site frontage which makes a positive contribution to the street scene. In order to ensure that the tree(s) are not adversely affected by the development, root protection area(s) would need to be protected during construction and a suitably-worded condition will be attached to any grant of planning permission.

SECURED BY DESIGN

The Crime Prevention Design Advisor has no specific objections but has asked if a condition and informative can be attached to any approval.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would be acceptable in principle and would be out of character in the streetscene. As a matter of some judgement Staff accept that the amount of amenity space is limited by the relatively high amount of the application site's land needed to accommodated the minimum of 11 parking spaces but that balconies and easy access to a large open space to the rear of the building would compensate whist ensuring that there would be no overspill parking. Members may place different weight on this issue, nonetheless Staff consider that the proposal would be acceptable in terms of its impact in the streetscene, on residential amenity and in terms of highways and parking such that it would accord with Policies DC2, DC3, DC33 and DC61 of the LDF, the SPD on Residential Design and Policy 3.5 of The London Plan.

RECOMMENDATION

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

1. M SC01 (Approval of details)
2. S SC02 (Time limit for details) 3yrs
3. S SC03 (Time limit for commencement) 2yrs
4. S SC06 (Parking provision)
5. M SC09 (Materials)
6. M SC11 (Landscaping)
7. M SC13 (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, 2 metres (6ft. 7ins.) high shall be erected on the rear and side boundaries, 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

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8. S SC32 (Accordance with plans)

9. S SC40 (Soundproofing)

The buildings shall be so constructed as to provide sound attenuation of not less than 45 DnT,WCtr d.B (A) against the internally generated noise to the satisfaction of the Local Planning Authority.

Reason:-

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

10. SC46 (Standard flank window condition)

11. SC57 (Wheel washing)

12. S SC58 (Storage of refuse)

13. M SC59 (Cycle Storage)

14. M SC60 (Contaminated land)

15. M SC62 (Hours of construction)

16. M SC63 (Construction Methodology)

17. Non standard condition

No development shall take place (except for works to construct the access required by this condition) until vehicular/pedestrian/cycle access from the public highway has been provided in accordance with the approved plans.

Reason: In the interests of users of the public highway in accordance with Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.

18. Non standard condition

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or 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 frontage

19. Non standard condition

The necessary agreement, notice or licence to enable the proposed alterations or additions 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,

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CP17 and DC61.

20. Non standard condition

Clear and unobstructed pedestrian visibility splays shall be provided to the satisfaction of the Local Planning Authority 2.1m wide and 2.1m deep either side of the new accesses onto Cherry Tree Lane. The approved splays lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

21. Non standard condition

Secure 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 can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set

out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

22. Non standard condition

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation under Part (A)

C) The development shall not be occupied until the site investigation and post investigation assessment as been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the recommendations given by the Borough and in PPS5

2 INFORMATIVES:

1. Archaeology: The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

2. Reason for approval:

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The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC37 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

- 3** Thames Water:Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
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APPLICATION NO:	P0138.12	
WARD :	Emerson Park	Date Received: 3rd February 2012
ADDRESS:	93-95 Redden Court Road Romford	
PROPOSAL:	Demolition of fire damaged building and reconstruction of building incorporating 6 apartments	
DRAWING NO(S):	X03 08(0140) PL61 08(0140) PL60 08(0140) x01	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No call in.

SITE DESCRIPTION

The application site relates to a two storey, with third floor accommodation in the roof space, semi detached mixed use development located to the north eastern side of Redden Court Road, just off the A127. The property has been vacated for some time due to failing business, vandalism and fire damage. Prior to the fire the property accommodated two retail units on the ground floor with 2 three bedroom maisonette units on the first and second floors.

Adjacent the property to the northwest are semi detached residential properties with a three storey flatted development. The wider locality is characterised by a mix of semi detached and terrace properties and forms part of a predominantly residential area.

DESCRIPTION OF PROPOSAL

Permission is sought for the demolition of the existing fire damaged buildings and construction of a new building, of the same footprint and size, incorporating 6 residential flats.

The building would measure a maximum 13.1m wide and 10.5m high. At ground floor a single storey rear extension would create a total building depth of 15.6m (including the front bay windows) at first floor the depth of the building measures 9.2m

Access into the building is via a communal entrance on the southern facing flank elevation. This opens into a hallway, where Units 1 and 3 are located to the front; these are both 1 bedroom flats. To the rear is a unit 2, a 2 bedroom flat.

At first floor are units 4 and 5, both of which are 1 bedroom flats. Within the roof space at second floor is unit 6, a 1 bedroom flat.

A communal garden area is located to the rear covering an area of 306 square metres. To the front off Redden Court Road are 7 parking spaces.

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RELEVANT HISTORY

P0666.09 - Single storey rear extension, alterations at ground floor level, conversion to create 5 x 1 bedroom and 1 x 3 bedroom flats - approved. This permission has now lapsed.

P0427.10 - demolition of existing building and erection of 4 no. 3 bedroom houses - refused.

P0805.11 - Proposed demolition of existing building and erection of 2 no. townhouses and 3 no. apartments - refused.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 34 properties. No representations were received.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC20 (Access to recreation and Leisure Including Open Space), DC33 (Car Parking), DC36 (Servicing), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document.

The adopted Residential Design and Residential Extensions and Alterations SPD are also considered relevant.

PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport) are considered relevant to the determination of this application.

London Plan Policies 3.3, 3.4, 3.5, 3.8 are considered relevant.

STAFF COMMENTS

The issues for Staff to consider relate to the principle of development, design and impact within the streetscene, amenity of neighbouring occupiers, highway and parking.

Principle of development:

The development proposes residential accommodation. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. DC11 promotes housing development outside of these areas, and it is considered that the principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.

Policy CP1 indicated that, due to high levels of housing need, it is important to meet the needs for new housing and gives a target for a minimum of 535 homes to be built per year. Policy 3.3 of the London Plan indicates that Havering should have a minimum 10 year target of an additional 9700 new homes (or 970 per year) to be built on sites which are not designated for other purposes.

The provision of residential accommodation is therefore considered acceptable in principle.

DENSITY/SITE LAYOUT

Policy DC2 states that development in this location should have a density between 30-50 dwellings per hectare. The site covers an area of 0.22 hectares. The dwellings proposed represent a density of 85 dwellings per hectare; this is above the stated density. However, this is

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only one measure of acceptability, and it is noted that this level of density has been accepted previously under application P0666.09.

Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. Table 3.3 states provides the following standards for flats: 1 bed, 2 person units, 50 square metres. 2 bed, 3 person units, 61 square metres. 2 bed, 4 person units 70 square metres.

The 1 bed flats (units 1, 2, 4 and 5) have a floor area of between 54.47 and 55.69 square metres. The 2 bed flats (units 3 and 6) have a floor area of between 67.27 and 85.87 square metres. These are in accordance with the London Plan space standards and are therefore acceptable.

The adopted Residential Design Supplementary Planning Document (SPD) does not provide prescribed levels of amenity space, but instead expects balconies and communal spaces to be provided for flatted schemes.

No space standards for communal spaces are provided; the area for the flats would measure 306 square metres and this is allocated to the rear as an area of lawn, enclosed by a boundary fence. Staff consider that with a landscaping scheme, to be submitted via condition, that the communal spaces would be acceptable.

No private amenity space has been provided for the flats, however, this is considered preferable given the design of the building and character of Redden Court Road where balconies are not characteristic.

Policy DC4 states that self contained residential accommodation should have a safe and secure access from the street and a layout which does not located living rooms abutting the bedrooms of adjacent units. The development here is arranged with the communal entrance located on the flank elevation. This raises no objection from Staff where this elevation is not enclosed by an adjacent building and would be naturally surveyed from surrounding development.

The layout of the flats is as such that living rooms and bedrooms of adjacent units are not located together. Staff consider that the internal layout of the flats would be acceptable, with either an outlook west over Redden Court Road or east facing the communal rear garden.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The character of the area surrounding the application site is varied, incorporating a mixture of two storey semi-detached properties, three storey flatted blocks and single storey commercial development. The existing buildings are two storey with further accommodation included within the roof space at third storey level. This building is arranged with gable ends, a further front facing gable finished with facing brick and mock Tudor timber framing. The front elevation is

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characterised by ground floor commercial shop fronts with associated signage and a flank southern facing advertising hoarding. However, the existing building is vacant and badly fire damaged and therefore has a negative impact within the streetscene.

A design and access statement has been submitted with the application. This explains that the proposed replacement building is to be built on the same footprint and of a similar design and height to that of the existing buildings.

Although the arrangement would be largely similar to the existing development, the commercial shop fronts and associated signage would be replaced with a conventional front elevation, punctuated with bay windows. These add articulation to the building façade and provide a more domestic appearance which Staff consider is compatible for the locality.

The large front facing dormer window at third storey level would also be replaced with two smaller pitched roof dormers. These are located well below the ridge level and inset from the gable end. Staff consider that these would appear acceptable and accord with the guidance prescribed in the Residential Extensions and Alterations SPD.

To the rear the existing building is characterised by a mixture of extensions and additions giving a haphazard appearance. This is intended to be replaced with a single storey rear projection with dummy pitch roof over. This would measure a maximum of 5.7m deep. The adopted Residential Extensions and Alterations SPD states that in exceptional circumstances, projections of more than 4m may be acceptable for detached properties. In this instance, the existing fire damaged building single storey extensions measure a maximum of 10.6m. The proposals therefore represent a reduction of 4.9m over the existing arrangement. The pitched roof over also adds to the domestic appearance of the building. Members may agree that subject to a condition regarding materials the design of the proposed building would be of an acceptable appearance.

The existing advertising hoarding to the southern flank elevation is highly prominent, this would be removed, thus defining the domestic appearance of the building.

The proposed parking is located to the front of the site and extends across the full frontage width. Staff recognise that this arrangement leaves little space for soft landscaping, however, it is noted that this is an existing arrangement and that a reduction in hardstanding for soft landscaping would also compromise the number of off street parking spaces for the development. Members may wish to exercise their judgement in this respect. The plans submitted show a triangular area to the front of the parking which provides a buffer to units 1 and 3. There is the ability for this area to be planted, and further improvements to the frontage can be secured by high quality materials, details of which are to be submitted as part of a landscaping condition.

IMPACT ON AMENITY

At ground level; the building including the single storey rear extension would project 6.5m rearward of No. 91 Redden Court Road and be set 1m from the common boundary. Staff consider that in this particular instance this would be acceptable. Although the adopted Residential Extensions and Alterations SPD states that normally projection of no more than 4m rearward are expected, the existing site is built up against the boundary and projects 10.2m rearward from no. 91. The proposals here represent an improvement upon the existing relationship which Staff consider to be acceptable. It is also noted that no objections have been received from the occupiers of this affected dwelling.

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At ground level facing No. 91 would be two flank windows, serving the kitchen to unit 3 and bathroom to unit 2. These would be screened by the dividing fence which raises no objections from Staff. These are shown as being obscure glazed on plan no. 08(0140) PI60.

At first floor unit 4 has a flank window facing onto No. 91, again this is shown as being obscure glazed. To the southern elevation, a ground floor flank window serves the kitchen to unit 1 and at first floor a lounge window to unit 5. These are shown as being obscure glazed, which raises no objections from Staff.

To the rear the windows overlook the communal areas provided. It is not considered that there would be any harmful impact with regard to overlooking, given that beyond this communal area are lock up garages.

The front facing windows would look across the highway and would not overlook adjacent residential properties.

The main parking is located to the front of the site, where vehicles would use the existing crossover from Redden Court Road. These are separated from the front windows of units 1 and 3 by an area of defensible space. Staff consider that this arrangement would be acceptable.

Staff consider that the scheme is acceptable as it stands. Flats do not benefit from permitted development rights and as such any future alterations to the building would require planning permission, over which the Council would have control.

HIGHWAY/PARKING

The density matrix of Policy DC2 requires that new development makes off street parking provision for between 2-1.5 spaces per dwelling. 7 parking spaces have been provided to the front of the site using the existing crossover from Redden Court Road.

The provision of 1.16 parking spaces per flat is slightly below that of the requirements in DC2, Staff note that the London Plan (adopted July 2011) recommends far lower levels of parking for residential developments over the current adopted 2008 LDF, where table 6.2 for Policy 6.13 (parking) states 1-2 bedroom units should provide less than 1 parking space per unit, as a maximum. Staff consider that the parking provision and layout would be acceptable.

The applicant has stated that Harold Wood train station is located 0.8m miles away and the site is located closer to several bus routes.

OTHER ISSUES

Secured by Design:

The Metropolitan Policy CPDA has indicated that if planning permission is granted, suitable condition would need to be attached in order to ensure that this development needs this standard.

Refuse and recycling:

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

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KEY ISSUES/CONCLUSIONS

In conclusion, it is considered that residential development on this site is acceptable. The block comprising 6 self contained units is of an acceptable design in the streetscene. Each unit would each have acceptable levels of amenity and parking, which although a slight reduction from that normally required, in context would be acceptable.

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

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC32 (Accordance with plans)
3. SC09 (Materials)
4. SC05A (Number of parking spaces) ENTER NO.

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 7 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.

6. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed ground and first floor flank windows on the northern elevation serving units 2, 3 and 4 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.

7. SC13 (Screen fencing) ENTER DETAILS

Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected along the north, east and southern boundaries 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

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8. SC48 (Balcony condition)

9. SC34 (Obscure glazing) ENTER DETAILS

The proposed windows ground and first floor flank windows serving units 1 and 5 to the southern elevation shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

Reason:-

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

10. SC46 (Standard flank window condition)

11. SC58 (Storage of refuse)

12. SC59 (Cycle Storage)

13. SC62 (Hours of construction)

14. SC63 (Construction Methodology)

15. SC78 (Secure by Design)

5. 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, 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. Details shall also be provided as to the treatment within the triangular buffer area to the front of units 1 and 3. 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

4 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC36, DC53, DC55, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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- 5** 1. In aiming to satisfy Condition 13 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).
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
3. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
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22nd March 2012

WITHIN STATUTORY PERIOD

APPLICATION NO:	P0155.12	
WARD :	Havering Park	Date Received: 6th February 2012
ADDRESS:	St Francis Hospice The Hall Broxhill Road Havering-Atte-Bower	
PROPOSAL:	Single storey extension to provide office accommodation and storage	
DRAWING NO(S):	L120/P2 L120/P3 2805-D	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site is the St. Francis Hospice, which is located on the eastern side of North Road, Havering-Atte-Bower. The site is situated within the Havering-Atte-Bower Conservation Area, the Metropolitan Green Belt and Havering Ridge Area of Special Character. The site comprises the main original building, which has been substantially extended, following the approval for the conversion to a hospice in 1979. The layout of the Hospice now comprises a horseshoe shape, comprising joined buildings of two stories surrounding landscaping within a central courtyard area. The western end is open. The site is surrounded by substantial landscaping, and exterior wall which prevents views into the courtyard area.

There is a parking area to the rear of the main building.

To the north-west of the site the nearest residential dwellings is 'The Vicarage', with more residential dwellings extending northwards.

DESCRIPTION OF PROPOSAL

This application is to construct a single storey extension within the courtyard of the hospice. The addition would provide further office space and storage space for the operations of the hospice. The extension would sit on the south side of the northern arm of the courtyard and in doing so would not extend beyond the exterior perimeter of the building. The addition would extend 12.0 m from the existing building and would have a maximum length of 16.0 m. The new addition will have a hipped roof and would be connected to the existing building. The eastern end will have a flat roof.

The materials would comprise a combination of brick and copper face cladding panels to match the existing buildings. Slate pitched roof tiles will be used on a hipped roof. The proposal would require the removal of some existing mature vegetation within the courtyard area.

The purpose of the current planning application is to create ground floor accommodation for office and the storage of fundraising goods.

RELEVANT HISTORY

There is extensive history relating to this site. The most recent is:

P0960.01 Extension to existing education centre and main building for finance storage, laundry,

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matron and kitchen manager and extension of existing car park - approved

P1590.01 Single storey extension to east and west of building to provide additional patient and staff facilities - approved

P2244.05 New education centre building, temporary portable building and 10 additional car parking spaces - approved

P0240.06 New garden store to glazed roof to refuse area - Approved.

P0103.07 - first floor infill extension together with 1 dormer window - approved 15/3/07

P2280.07 - single-storey extension to north elevation with additional windows at 1st floor - approved 1/2/08

P0438.08 - Three new window openings and redesign of existing bay windows - Approved 12/5/08

P1492.09 - One-storey outbuilding - approved 19/1/10

P0251.10 - Entrance gates and railings - approved 29/4/10

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as affecting the Havering-Atte-Bower Conservation Area and as a departure from the Local Development Framework on Green Belt grounds. Neighbour notification letters have also been sent to 14 local addresses. No letters of representation have been received.

The Application has been referred to the following consultees

- LBH Highways have offered no objection.
- LBH Environmental Health has offered no objection.
- LBH Tree officer has not objected.
- LBH Conservation Officer has offered no objection
- English Heritage has not objected. A condition is required to be attached to any approval in relation to potential archaeological remains

Councillor Geoffrey Starns (Havering Park Ward) has provided written support for the proposal

RELEVANT POLICIES

LDF: CP8, DC26, DC33, DC45, DC61, DC67, DC68, DC71

The London Plan 2011, Policy 7.16

Other: PPG2 (Green Belts); PPS5 (Historic Environments)

STAFF COMMENTS

The issues for consideration are consistency with LDF Policies, including the principle of development within the Green Belt and impact on its character and openness, the design and visual impact of the development, impact from the proposed removal of vegetation, and its impact on the Havering-Atte-Bower Conservation Area and Havering Ridge and nearby Listed Buildings, impact on amenity and parking and highway issues.

PRINCIPLE OF DEVELOPMENT

Core Policy 8 "Community Facilities" states that the Council will work in partnership with other bodies to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by:

- retaining or re-providing community facilities where a need exists,
- allowing the development of essential community facilities necessary to meet the specific

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needs of the community on nonallocated land and involving the net loss of existing housing.

Core Policy 8 recognises that community facilities have a major influence on the quality of life for local residents.

The proposal is for a small extension to an existing hospice, which supports a specific need in the Borough and surrounding areas. It is considered that this extension would be acceptable in Principle in the context of this Policy.

GREEN BELT IMPLICATIONS

Policy DC45 and PPG2 state a general presumption against new development within the Green Belt unless it is for one of the uses specified by the policy. The proposal is not for one of these generally accepted uses within the Green Belt and is therefore considered inappropriate in Principle within the Green Belt. However the use is one that provides a significant benefit to the community and is a well established existing use and the proposal would represent a small extension. It is for the applicant to demonstrate that very special circumstances exist to outweigh this in principle harm and any other harm arising from the development. This will be addressed later in the report.

The proposal is considered to be a relatively minor addition within the grounds of the hospice site. The hospice has already been the subject of a number of previous planning applications, and now has an established developed character, different to other sites within the Green Belt location in the Borough.

The position and scale of the proposal is such that it would not be generally visible beyond the constraints of the site. The site overall is well screened from the highway, and the proposed alterations result in minor additions to the footprint of the overall buildings on the site.

The proposed development relates to the internal courtyard, and proposes a relatively minor extension of the north wing. The proposal would result in the addition being visible almost wholly from within the internal courtyard. Views of the roof are all that would be visible, from all but the west, above the existing fence and through vegetation. It is considered that the extension does not therefore materially harm the character and openness of the Green Belt.

The applicant has indicated the requirement for the alterations in order to comply with the Disability Discrimination Act and to enable the efficient function of the Hospice. The proposed extensions are to be utilised as additional offices and staff facilities. Subject to no detrimental harm to the Green Belt, the requirements of the hospice service should be supported where possible to enable the retention of the community care provision in accordance with Policies CP8 and DC26.

CONSERVATION AREA

The Council's Development Control Policy 68 "Conservation Areas" states that the character or appearance of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where:

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

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the Conservation Area

The proposed development is relatively small scale and would be subservient to the main hospice building. It will not require the demolition of any building. The new building element will not be highly visible from public parts of the Conservation Area and the addition will compliment the main hospice building.

The vegetation that is required to be removed as part of the application is within the building confines of the hospice and does not make a significant contribution towards the appearance of the Conservation Area.

It is not considered that the special character and appearance of this part of the Havering-Atte-Bower Conservation Area would be materially affected i.e. the test of preservation and enhancement as required by Council policy would be met.

LISTED BUILDING

There are a number of Listed Buildings nearby; the Green and The Roundhouse. The Council's Development Control Policy 67 "Listed Buildings" states that Planning permission involving Listed Buildings or their setting will only be allowed where:

- it does not involve the demolition of a Listed Building
- it does not adversely affect a Listed Building or its setting

However the new addition does not have a direct interface with the listed buildings and is to be attached to a more recent component of the Hospice Complex. The addition will not be positioned in such a way that it will have a negative impact on the important character of setting of the Listed Buildings, and is consistent with Council Policy.

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 proposal will be single storey in nature and generally surrounded by the existing hospice building. It will not project above the ridge line of the existing buildings on site. 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, and not be harmful to the Havering Ridge Area of Special Character.

Given the nature of the site, English Heritage has advised that important archaeological remains may exist. The Council would therefore wish to ensure that an "archaeological watching brief" is carried out during construction so that archaeological remains not protected by other measures are investigated and recorded. A condition of approval will be attached to the Decision Notice (in the event that approval is granted) requiring the applicant to make suitable arrangements with the Council for an archaeological "watching brief" prior to commencement.

IMPACT ON AMENITY

There are no external amenity impacts raised by the proposal.

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HIGHWAY/PARKING

The proposed buildings would not result in any material change to traffic entering or leaving the site. The development is proposed to accommodate existing staffing requirements, and therefore no significant staffing increase is anticipated.

The extension will not impose on the existing car parking area.

There are therefore no highways or parking issues relating to this proposal.

OTHER ISSUES

Very Special Circumstances (Green Belt)

In order to ensure that the application is consistent with Policy DC45 and PPG Green Belt consideration is required to be given to the very special circumstances test. The Council as decision maker needs to consider whether the circumstances put forward by the applicant outweigh both the in principle harm and any other harm .

The weight to be given to each circumstance offered by the applicant individually or together is a matter for Members' judgement as to whether they are sufficient to outweigh the presumption against inappropriate development.

If Members agree with the applicant that the circumstances offered are unique and that the development proposed could only be accommodated at the application site and is demonstrably required/needed, then they may decide that the circumstances offered are very special and amount to that needed to outweigh the harm identified.

The applicant's proposal is considered to comprise very special circumstances as outlined below;

1. The hospice operates as a charitable organisation and as such, has a different operational funding to commercial enterprises. The constraints of being a charity, places restrictions on the ability of the hospice to undertake a wholesale redevelopment of the site, and/or relocation in the short term. Opportunities to improve the facility are undertaken only when funding is available.
2. The proposal is to provide operational functioning efficiency, and allow for the potential to utilise the existing space, allowing for more revenue generating operations to occur on site.
3. The hospice needs to comply with Disability and Discrimination legislation requirements. The office accommodation has now reached saturation point with less than desirable levels of occupancy in certain areas. This inhibits compliance with DDA in respect of the needs of existing or future staff.
4. The design takes advantage of the opportunities available, however is cognisant of the location within the green belt and relation to existing listed buildings and important landscape environment. The development utilises available space within a courtyard and does not expand the exterior perimeter curtilage of the building.

The nature of the very special circumstances are specific to the operations of the hospice. It is not considered that they would set precedent for other development in the Green Belt, and the proposal does not represent an incremental increase in inappropriate development in the Green Belt.

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The proposed extensions are considered minimal in relation to the overall scale of the buildings at the application site, and as such, are not considered to adversely impact on the openness and character of the surrounding Green Belt or the Havering Ridge Special Character Area, being situated within the original footprint.

As such the circumstances offered by the applicant are accepted as being the very special circumstances needed to outweigh the presumption against inappropriate development in the Green Belt. It is unlikely that the same circumstances are offered on another site in the Green Belt within the Borough. Some elements of the proposal (DDA compliance) may be considered to be universal in that they could apply to any similar site in the Borough. Some will be special in that they only apply to this part of the Borough (Conservation Area). However collectively the circumstances put forward are "very special" in that they are entirely unique to this proposal that is currently under consideration.

It is considered, given the limited impact of the development on the character and openness of the Green Belt, that the need for this extension is considered to constitute the very special circumstances to justify inappropriate development in the green belt.

TREES

The subject site is affected to the tree preservation order. (TPO 29/82,5/09, and 27/90). In addition the requirements of the conservation area are such that any works proposed to the key trees on the site require the prior permission of the council. As part of the application a Tree Survey and Arboricultural Implication and Method Statement was submitted. This revealed that key landscape features of the site will not be affected by the application.

This statement has been reviewed by the Council's Tree officer and the site has also been inspected. It has been concluded that the trees which are likely to be affected by the proposal are all relatively small for the site. They are unlikely to suffer any degree of significant harm and sited behind buildings. The Council's Tree Officer raises no objection to the proposed works. The proposal would incorporate additional shrubs around the perimeter of the proposed extensions. This will assist in integrating the addition into its surroundings within the court yard and a softening of the building s appearance.

The submitted report also makes recommendations with regard to the protection of trees during construction. Suitable conditions are attached to ensure that key vegetation is not irreparably damaged when the building is being built. A scheme of proposed landscaping is also recommended to be secured by condition.

KEY ISSUES/CONCLUSIONS

The proposal is for a modest extension to a building that has an existing building that accommodates a hospice that services an established need within the Borough. The addition is of an appropriate design that will not adversely impact on the streetscape on the openness of the area, and will allow the hospice to function more effective. The applicants have demonstrated that there will be no loss of significant landscaping.

The circumstances offered by the applicant are accepted as being the very special circumstances needed to outweigh the presumption against inappropriate development in the Green Belt. It is considered that although the use of the building is not one of those uses considered acceptable in principle under DC45, the proposal would not be harmful to the open character or openness of the Metropolitan Green Belt.

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There is likewise no material harm to the Conservation Area or Havering Ridge Special Character Area, or in relation to the setting of nearby Listed Buildings. There are also no material amenity or parking issues raised by the application. The proposal is therefore considered to be acceptable in accordance with LDF Policies and PPG2.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
 2. SC32 (Accordance with plans)
 3. SC11 (Landscaping)
 4. SC12 (Preserved trees)
 5. SC66 (Archaeological Condition and Informative)
 6. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP2,DC8,DC45,DC67,DC68 and DC71 of the LDF Core Strategy and Development Control Policies Development Plan Documents and PPG2: Green Belts in that very special circumstances to justify development have been provided.
 7. The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.
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REGULATORY SERVICES COMMITTEE

REPORT

22 March 2012

Subject Heading:

**P0040.12: Corbets Tey School,
Harwood Hall Lane, Upminster**

**Detached single storey building to
provide disabled toilets and changing
facilities for use in conjunction with
new sensory play area. (Application
received 31 January 2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 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

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

SUMMARY

The proposal is for the construction of a single storey building to provide disabled toilets and changing facilities for use in conjunction with a new sensory play area within the grounds of Corbets Tey School. The proposed toilets are intended to provide additional facilities for the pupils of the school, who have special educational needs, as well as for members of local community groups.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted.

RECOMMENDATIONS

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

1. SC04 Time Limit

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

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

2. SC32 In Accordance with Plans

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

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. SC62 Hours of Construction

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

Reason: To protect residential amenity.

4. NSC02 External Materials

The single storey building hereby approved shall be externally finished in timber cladding and stained to match the external appearance of the existing swimming pool building. The external materials shall then be retained as such thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

5. NSC03 External Lighting

There shall be no external lighting within the site unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

6. NSC04 Use of building

The building hereby permitted shall be used for purposes ancillary to the use of the school only and for no other purposes whatsoever.

Reason: To enable the Local Planning Authority to retain control over the future alternative use of the building, in the interests of amenity.

INFORMATIVES

1. Reason for Approval:

The proposal is considered to accord with the aims and objectives of Policies CP8, CP9, CP10, CP14, CP15, CP17, CP18, DC26, DC28, DC29, DC32, DC33, DC34, DC35, DC48, DC51, DC61, DC62 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document as well as PPS5. On balance if the facilities were not considered as being for outdoor recreation (an appropriate use within the Green Belt) Very Special Circumstances have been demonstrated by the applicant within the report in accordance with PPG 2 and in the reason justification of Policy DC45.

2. The applicant is advised that it is the applicant's responsibility 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is Corbets Tey School, which is located on the north side of Harwood Hall Lane, some 65m west of its junction with Corbets Tey Road. The school is situated within the Metropolitan Green Belt and partially within the Corbets Tey Conservation Area, which extends across the northern part of the school grounds.
- 1.2 The site is currently occupied by a cluster of school buildings, predominantly single and two-storey and has been previously extended on a number of occasions. The school has a single storey timber clad swimming pool extension, which is situated to the east of the main school building. There is parking to the school frontage and grassed playing fields to the north of the school buildings. There are a number of large trees within the school grounds, in particular to the eastern site boundary, some of which are subject of a Tree Preservation Order. Construction has started on the previously approved planning application for a sensory play area.
- 1.3 The site is adjoined to the north and west by open Green Belt land. To the east of the site lie residential dwellings, which front on to Harwood Hall Lane or Londons Close.

2. Description of Proposal

- 2.1 Corbets Tey School is a school for children and young people who have statements detailing particular personal educational needs. The school caters for pupils aged 4 to 16 with moderate to severe learning challenges, including autism, and a number of medical syndromes.
- 2.2 The proposal is to introduce disabled changing and toileting facilities to a new sensory play area to the north of the swimming pool area. The sensory play area is divided into 3 separate areas which includes a water area. This allows children to play with sensor and manually controlled water jets which will create a need for an area where children can be dried and changed by the parents/carers. Due to the specific needs of the children who will be using the play area, the changing and toilet facilities will need to be easily accessible and located within close proximity to the play area.
- 2.3 The dedicated changing and toilet facilities will be essential for both the changing of children after enjoying the water area of the sensory play area

and for quick and exclusive access to DDA toilets and changing facilities. This facility will consist of a 10m long, 4.2m wide and 3.3m high mono-pitched roof (timber structured) cabin, clad to match the existing swimming pool building and running parallel to the west end of the north face of the existing building at a distance of approximately 1.9m from the existing swimming pool building's external wall. The toilet and changing facilities will be directly accessible from both the water area and the interactive/performance area of the sensory play area to facilitate the ease and speed necessary in transitioning children with specific needs to appropriate facilities.

- 2.4 There is presently a building project proceeding that will provide a fully equipped disabled toilet within the existing school building. However, it could be problematic to allow unrestricted access to this facility out of school hours, as it would require the school to be unnecessarily opened and unsecured. There is therefore a need to have a dedicated, independent resource to cater for this need.

3. Relevant History

- 3.1 The school has had numerous previous extensions. The most recent planning history is set out below:

P1104.04 - Detached garage - Approved

P0509.07 - Demolish old storage shed and erect new detached storage shed - Approved

P0752.07 - Two storey resource extension - Approved

P1183.09 - Two storey side extension to existing classroom block, with adjoining single storey stores lobby connection to existing swimming pool building - Approved

P1505.10 - External sensory play area on existing field including new surfacing and fencing. Plant room extension - Approved

P0261.11 - Detached single storey building to provide disabled toilets and changing facilities for use in conjunction with new sensory play area – Approved

- 3.2 The current submission is similar to the latest approval under P0261.11 with the only difference being the building would be set slightly further away from the swimming pool, would be finished with a mono-pitch roof rather than a pitched roof and would be 4.2m in width rather than the previous approved 3m.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the press as a Green Belt application and development within a Conservation Area. Neighbour notification letters have also been sent to neighbouring addresses. One letter of objection was received which raises concerns regarding the disturbance associated with building works on the site.

5. Staff Comments

- 5.1 The issues arising from this proposal are the principle of the development, including its acceptability within the Metropolitan Green Belt, the impact on the character and openness of the Green Belt and the locality in general, the impact on the Corbets Tey Conservation Area, the impact on local residential amenity, parking and highway impact and environmental issues.
- 5.2 Policies CP8, CP9, CP10, CP14, CP15, CP17, CP18, DC26, DC28, DC29, DC32, DC33, DC34, DC35, DC45, DC48, DC51, DC61, DC62 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document are material considerations, as is PPG2 and PPS5.

5.3 Principle of Development

- 5.3.1 The application is for disabled changing and toileting facilities within the grounds of an existing school. The facilities would be available for the use of current school pupils and also for community use by local user groups, who already make out of hours use of the existing school swimming pool. As the development is within the grounds of an existing school it is not considered there would be any conflict with the provisions of Policy CP8 and that the proposal would comply with Policies DC26 and DC28, as it provides additional community facilities and enables dual use of existing school premises for education and wider community purposes.
- 5.3.2 Although the development is on the school playing fields the proposal does not involve the loss of any land containing a sports pitch meeting the PPG17 definition of a playing pitch. The proposal would also provide enhanced recreational facilities within the school grounds. It is not considered that there would be any loss of sports facilities arising from the proposal.

5.4 Green Belt

- 5.4.1 The site is situated within the Metropolitan Green Belt and PPG2 is therefore a material consideration. PPG2 states a general presumption against inappropriate development within the Green Belt, which should not be approved except in very special circumstances. PPG2 states that the carrying out of engineering and other operations and the material change of use of land is inappropriate in the Green Belt unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. New buildings are inappropriate in this case unless they are judged to be essential for outdoor sport and recreation.

- 5.4.2 Staff consider that it is arguable whether the development should be considered to be inappropriate in principle within the Green Belt, given that the proposal is required in connection with the sensory garden and could therefore arguably be considered as essential facilities required in connection with an open air recreational use.
- 5.4.3 Notwithstanding the above, in respect of the very special circumstances case, the applicant has made reference to the fact that the school is an existing development within the Green Belt, which fulfils an important role in the local community. This is a specialist school and has a specific need for the facilities that are sought. The project has been designed to be as sensitive to the school's environment as possible, including making the building as low level as possible, siting the structure as close to existing buildings on the site as possible and using materials, colours etc. wherever possible to blend in with the surroundings (for example, timber cladding the building). The applicants advised that they have designed the facility to be as small as possible in order to reduce the potential impact on the Green Belt.
- 5.4.4 In terms of the impact of the development on the Green Belt, Staff acknowledge that there would be some visual impact owing to the appearance of the proposed structure. However, the structure is relatively small in size and low level and sited as close to the swimming pool as possible, which appears as a backdrop to the proposed structure. It is not considered, within the context of the existing school buildings and the extent of open space that remains around the facility, that it would materially harm the intrinsic openness of this Green Belt site.
- 5.4.5 Staff consider that it is a matter of judgement whether the proposal is considered to be inappropriate in principle within the Green Belt but that in any event there are very special circumstances in this case set out in part in paragraph 2.3 of this report which justify the proposed development. The proposal is not therefore considered to conflict with the provisions of PPG2 or with LDF Policies CP14 and DC45.

5.5 Impact on Conservation Area

- 5.5.1 The northern part of the application site is located within the Corbets Tey Conservation Area. The character of this part of the Conservation Area is very much drawn from Parklands, which is the open landscaped area of public open space north of the school site.
- 5.5.2 It is considered that given the location of the proposed structure close to the existing developed part of the school site that no material or substantial harm to the character and appearance of the Conservation Area would result. The proposal is therefore considered to accord with PPS5 and LDF Policy DC68.

5.6 Impact on Amenity

- 5.6.1 There are existing residential properties to the east of the application site, including dwellings in Harwood Hall Lane and in Londons Close. It is considered that the proposed structure would be sufficiently far from neighbouring residential properties (approximately 30m) not to result in material harm to neighbouring amenity.
- 5.6.2 Staff consider that given the existing use of the site as a school and playing fields, there would not be a material increase in noise and disturbance to occupiers of neighbouring property compared to the current use. Evening and weekend use of the proposed structure would be limited to hours of daylight as the associated sensory garden facility is not externally lit and would not be used during unreasonable hours of the day. Staff do not therefore consider that material harm to local residential amenity in terms of noise and disturbance would result.

5.7 Parking and Highway Issues

- 5.7.1 The school provides existing off street parking to the frontage. The proposed structure would be used by existing school pupils during the day at term time and so would not generate additional traffic or demand for parking. Community use of the facilities would be outside of school hours and so use of the existing on-site parking facilities could be made. Staff do not therefore consider that there would be a material parking or highway impact arising from the proposals.

5.8 Other Issues

- 5.8.1 There are a number of trees to the eastern boundary of the site, some of which are subject of a Tree Preservation Order. The Council's Tree Officer has advised that there is not considered to be an adverse impact on these trees but that the tree should be fenced during construction works to provide protection.

6. Conclusion

- 6.1 The proposal will provide additional facilities for the pupils of the school and for the local community. It is a matter of judgement whether the proposals are acceptable in principle within the Green Belt but Staff are satisfied, in any event, that very special circumstances exist to justify the development. No material harm to the open character of the Green Belt, the locality or the special character of the Corbets Tey Conservation Area is considered to result and there is no material harm to residential amenity or the public highway.
- 6.2 The proposal is therefore considered to be acceptable in principle and Staff recommend that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly affecting the Council.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The application relates to a proposed single storey building to provide disabled toilets and changing facilities for use in conjunction with new sensory play area at Corbets Tey School, which is a specialist school for pupils aged 4 to 16 with moderate to severe learning challenges. The facilities would also be available for use by local community groups.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 31 January 2012.

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REGULATORY SERVICES COMMITTEE

22 March 2012

REPORT

Subject Heading:

P1417.11 – Former Oldchurch Hospital, Oldchurch Road, Romford (Date received 24/1/2012)

Proposal

Non-compliance with condition 2 of P0975.10 to enable the replacement of 4 no. 1 bed apartments in renovated 'Treasury' building with 2 no. 2 bed houses. Replacement of 2 no 4 bed houses with 3 no. 3 bed houses in Block 6. New 1 bed apartment and 3 bed apartment in lieu of undercroft parking in block 4 and consequent changes to design and appearance of affected units. Revision to tenure mix (Description changed 8/3/2012)

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	<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 checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Planning permission for the residential redevelopment of the western end of the former Oldchurch Hospital Site was granted planning permission on 28th July 2011 following the completion of a S106 agreement and earlier consideration of the application by Regulatory Services Committee on 24th February.

This application proposes various small amendments to the approved scheme involving the substitution of flats for houses in the “Treasury” building, the widening and reduction in height of the houses either side of the “Treasury” building in Block 6 and the addition of two flats to the ground floor of Block 4 together with changes to the tenure mix increasing the proportion of affordable housing to be delivered. The changes are all considered to be acceptable and staff consider that they will result in an improvement to the overall appearance of the scheme, in particular the resultant better appreciation of the heritage value of the “Treasury” building and with no unacceptable consequences.

It is recommended that planning permission be granted subject to the prior completion of a variation to the relevant S106 legal agreement.

RECOMMENDATIONS

That the Committee resolve that, the application is considered unacceptable as it stands but it would be acceptable subject to the prior completion of a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 of the original section 106 agreement of 27th July 2011 to secure the following:

1. That the definition of the planning application contained within the legal agreement dated 27/7/2011 be amended to refer to this application in the alternative as appropriate, and

2. The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed.
3. All recitals, headings and clauses of the original agreement dated 27th July 2011 shall remain unchanged.

That staff be authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the following condition:

1. Accordance with plans: The development shall not be carried out other than in complete accordance with the approved plans as detailed by planning permission ref P0975.10 as amended by the following plans and documents: :

Shared Ownership Layout - R9830-051 Rev A
Social Rent Layout - R9830-052 Rev A
Block 6 Treasury Planning Elevations - R9830-058 Rev C
Block 6 Treasury Planning GA's - R9830-059 Rev A
Block 6 Treasury Planning Roof Form - R9830-060 Rev A
Drainage Layout - R9830-CL-200 Rev B
Ground Floor Block 4 – 10-1847-056
Elevations A-A & B-B Block 4 - 10-1847-057
Revised Schedule of Accommodation and Unit Split – Rev B

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 DC61.

The conditions of the previous permission P0975.10 as included in Appendix 1 shall continue to apply as necessary and appropriate to this amended permission.

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 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.9, 3A.10, 3A.11, 3D.13, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A, 4A, 4A.10, 4A.11, 4A.13, 4A.14, 4B.1, 4B.2, 4B.5, 4B.9, 4B.10 of the London Plan (Spatial Development Strategy for Greater London) 2008 and London Plan Supplementary Planning Guidance, including 'Providing for Children and Young People's Play and Informal Recreation', PPS1 'Delivering Sustainable Development', PPS3 'Housing', PPS5 'Planning for the Historic Environment' PPS6 'Planning for Town Centres', PPG13 'Transport', PPG 15 'Planning and the Historic Environment', PPS22 'Renewable Energy', PPS25 'Development and Flood Risk'.

ii) for the following reason: The proposed development would fulfil the aims and objectives of the relevant policies of the Local Development Framework and London plan by providing the residential redevelopment of a brown field site. The proposal would provide both market housing and affordable housing for those with low incomes 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 play areas within a development of high quality design and layout. The impact arising from residential traffic from the development would be acceptable within the locality and the proposal would provide scope for improved pedestrian and cycle access. 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 provisions of a S106 legal agreement.

REPORT DETAIL

1.0 Site Description and Background

1.1 The application site consists of the western end of the former Oldchurch Hospital site covering an area of 2.15 hectares adjacent to Oldchurch Road to the south and Nursery Walk to the west. To the immediate north of the site Union Road gives access to new key worker cruciform blocks and associated parking beyond which lies the main railway line between Romford and London Liverpool Street. To the east, the remaining part of the former hospital site up to Waterloo Road is also being redeveloped. To the south the site includes the former entrance to the site from Oldchurch Road. The two original retained buildings either side of the entrance are currently being refurbished by the applicant for residential use. Two storey terraced residential properties front the opposite side of Oldchurch Road. West of the site beyond Nursery Walk is the Crow Lane Gas Holder site.

- 1.2 Planning permission was granted on 27th July 2011 (ref.P0975.10) for the residential development of 366 units, varying from 2 to 6 storeys in height and providing 338 flats and maisonettes and 28 houses.
- 1.3 The parts of the site the subject of this application is the retained central "Treasury" building section of the former workhouse frontage buildings and the proposed terrace of 3 storey town houses either side of it together with the eastern section of the site where Block 4 is proposed to be located..
- 2.0 **Description of Proposal:**
- 2.1 Planning permission is sought for an amendment to the permitted scheme for the redevelopment of the site which is currently being implemented.
- 2.2 The original planning permission ref: P0975.10 showed the refurbished Treasury building converted to provide 1 no. 3 bedroom house and 4 no. 1 bedroom flats. Two terraces of 4 no. and 5 no. 4 bedroom town houses were indicated either side of the "Treasury" building separated by a 1m wide pedestrian access.
- 2.3 The proposal is for the change in residential mix which includes the substitution of 2 no. 2 bed houses in lieu of 4 no. 1 bed apartments in the existing Treasury block, the addition of 1 no. 1 bed apartment and 1 no. 3 bed apartment in lieu of undercroft parking in Block 4 and the substitution of 2 no. 3 bed houses in Block 6 in lieu of 2 no. 4 bed houses.
- 2.4 The proposed changes to the Treasury block would result in the substitution of front doors in lieu of the furthest ground floor windows and the bricking up of the central first floor window at the east and western ends of the frontage together with the omission of external staircases and first floor flat doors to the rear.
- 2.5 The proposed changes to the terraced housing either side of the Treasury block would result in the widening of the house immediately to the east and west attaching it to the sides of the Treasury block and removing the previously proposed pedestrian access. Each of the dwellings would also be reduced in height by the removal of the second floor and the addition of a hipped roof. A shadow gap detail is also proposed between the revised two storey dwellings and the Treasury with a brick pier between the dwellings and the rest of the terrace on either side.
- 2.6 It is also proposed to increase the height of the second floor front parapet for the rest of the terrace either side of the Treasury by 275mm and introduce a white stucco band above the first floor windows.
- 2.7 The proposed alterations to block 4 involve the creation of 1 no. 1 bedroom apartment and 1 no. 3 bed apartment on the ground floor of the block in an area which was originally identified for car and cycle parking. Consequent changes to the elevations would replace an opening on the western side

and a projecting screened section with doors and windows as required together with semi private terraces.

- 2.8 Overall it is also proposed to alter the tenure mix for the development, increasing the proportion of affordable housing from 28% of the total to 38%. The tenure split of social rent to shared ownership would remain at 70/30

3. **Relevant History**

- 3.1 There is an extensive history relating to the function of the site as a Hospital but the most relevant history to this application is:

P1634.04 Demolition of existing buildings on site and redevelopment to provide a mental health facility - Outline - Refused

P0634.06 Demolition of existing buildings on site and redevelopment to provide new mental health facility. – Resolved to approve, S106 not completed

P0975.10 - Residential redevelopment – Revised scheme comprising 366 dwellings with height varying from 2 to 6 storeys (338 flats and 28 houses) – Approved

P1927.11 – Retention of 1 no. additional 5 bedroom house in Block 5, plot 367 – Under consideration

4. **Consultations and Representations:**

- 4.1 Consultees and 464 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press. No objections have been received.

Consultee Responses

Environmental Health – recommend conditions

Greater London Authority – Initially advised that the matter would be reported to the Mayor but subsequently decided that the revisions raised no new strategic issues and confirmed that the matter could be determined without further reference to the Mayor.

LFEP (Water Section) – Are satisfied with the proposal.

Borough Crime Prevention Design Advisor – No new material comments

Streetcare (Highways) – No objections

5 **Relevant Policies**

- 5.1 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. Havering Supplementary Planning Documents on Residential Design, Sustainable Design and Construction and Designing Safer Places are material planning considerations.
- 5.2 Policies DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC21 (Major Development and Open Space, Recreation and Leisure), DC33 (Car Parking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places) of Local Development Framework Development Control Policies Development Plan Document are also material planning considerations.
- 5.3 The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.5 (quality and design of housing developments), 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), 6.9 (cycling), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).
- 5.4 PPS1 'Delivering Sustainable Development', Planning Policy Statement 5: Planning for the Historic Environment are further material considerations.

6. **Staff Comments**

- 6.1 The issues to be considered are the principle of development, street scene implications, historic building considerations, provision of open space, affordable housing provision, the effect of the development on the surrounding area, including residential amenity, health and safety implications, secured by design issues and car and cycle parking provision.

6.2 **Principle of development**

- 6.2.1 The principle of the redevelopment of the site for residential purposes has been established by the grant of full planning permission under ref P0975.10. The extent of the non-compliance with the approved plans is limited to that set out in the application and no objection is therefore raised in principle to the application.

6.3 **Design, Layout and Heritage Considerations**

- 6.3.1 The proposed changes to the terraces either side of the Treasury (Block 6) have arisen for two main reasons. Where the original flank terrace buildings either side of the central Treasury block have been demolished, the exposed wall of the Treasury includes door openings, fireplaces and rough and broken brickwork which could only be covered by building a new wall alongside the existing outer skin. Secondly, the originally proposed narrow

pedestrian access either side of the Treasury block was not a desirable feature from a Secure by Design perspective and further survey work also cast doubt on whether there would be sufficient width available for a usable and safe pedestrian access.

- 6.3.2 The changes therefore extend the adjacent terraces by widening the adjacent dwellings to link them to the Treasury block enabling the damaged flank walls of the Treasury block to be hidden. The design of the adjacent dwellings has also been amended from the town house originally proposed to a hipped roof two storey house. Staff are satisfied that this will result in a more satisfactory appearance and an improvement over the original approved scheme, as it will enable the full depth of the original stucco rendered eaves detail along the flank of the Treasury to be seen and also that the reduction in height will improve the subservience of the adjacent terraces to the Treasury block. The demolished wings of the original workhouse frontage were attached to the Treasury block, so the revised scheme will be repeating this arrangement. The division between the “old and new” would be further enhanced by the provision of a “shadow gap” (an area of recessed brickwork) between the new 2 storey house and the Treasury, and by a brick pier between the 2 storey house and the rest of the terrace either side. These architectural devices are well utilised and will improve the appearance and enhance the heritage asset value of the buildings.
- 6.3.3 Staff are also satisfied that the change from flats to houses within the Treasury block is a positive one. The provision of front doors will retain a balanced appearance for the frontage and the omission of the previously proposed external rear staircase will result in an improvement to the visual appearance of the rear of the Treasury, enabling more original features to be retained. The introduction of a stucco band to the front parapet of the adjacent terraces echoes a feature of the former Treasury block wings and also assists in breaking down the visual appearance of the proposed increased height parapet. The changes to Block 6 are therefore considered to be in accordance with Policies DC61, DC63 and DC67 of the LDF.
- 6.3.4 The number of units proposed on the site would be unaffected by the amendments as the flats that would not now be provided within the Treasury block would be replaced within the ground floor of Block 4.
- 6.3.5 The applicants have advised that a reassessment of the ground floor layout of Block 4 identified that some of the proposed car parking spaces would have been very difficult to use. Staff are satisfied that the proposed use of the area to provide 2 no. additional ground floor apartments would be acceptable and advantageous. The parking area would have resulted in a substantial open void in the ground floor western elevation and a blank screened section on the eastern ground floor frontage facing onto the proposed new local park. The use as residential units will enable the approved pattern of windows, patio doors and semi-private terraces to be continued along both elevations of the block to the benefit of its appearance. The use would also ensure that the total number of units to be provided

within the scheme would not reduce as a result of the proposed changes to Block 6. The consequent changes to car parking and cycle parking are considered below, but in terms of design and layout the proposed changes to Block 4 are considered to be acceptable.

6.4 Parking and Highway Issues

- 6.4.1 A total of 229 car parking spaces are shown to be provided throughout the entire development under the original permission and these proposals would reduce this by 5 spaces. However, at least two of the spaces it is proposed to remove would have been extremely difficult to access and unlikely to be used. Policy DC2 establishes that for flatted development that the parking requirement should be low and that less than 1 space per unit is required. Staff consider that the proposed reduction in parking provision is of marginal significance given the overall scale of the redevelopment and therefore judge this to be acceptable and in accordance with policy owing to the proximity to the town centre and the good links to public transport facilities. It is also worthy of note that even with the reduction, the level of car parking proposed will remain greater than the level of parking agreed for the redevelopment of the eastern end of the former Oldchurch Hospital site.
- 6.4.2 In respect of cycle parking, the level of provision within the block would be reduced from 72 to 50 spaces for the 65 flats proposed. Whilst this would result in the level of provision within the block being less than 1 space per flat, the level of provision throughout the rest of the flatted part of the scheme would provide sufficient surplus spaces to bring the total level of provision up to 1 space per flat in accordance with Policy DC35.

6.5 Other Considerations

- 6.5.1 The proposed change to the tenure mix for the development does not raise any concerns as the proportion of affordable housing is now closer to the proportion sought by Policy DC6 than the original scheme. The internal layouts of the units demonstrate that they would be of a good size which satisfy the requirements for affordable housing and lifetime homes. The residential mix of the scheme is only marginally affected by the changes and the proposal to use the whole of the Treasury block for family housing fits better with the character of the heritage asset than the previously proposed partial conversion to flats. Amenity space provision is unaffected by the revisions.
- 6.5.2 The changes to the residential and tenure mix would have a very minor impact upon the demand for local services, including school places and staff do not consider it necessary to seek any additional contributions beyond those agreed in relation to the original permission.
- 6.5.3 Health and safety implications arising from the proximity of the site to the Crow Lane Gas Holder site are unaffected by the revisions. The Health and Safety Executive agreed not to pursue their objections to the overall redevelopment provided that the Hazardous Substances Consent for the

adjacent gas holder station could be revoked. Staff have reached agreement with National Grid over this matter as the gas holder station is now redundant. The formal revocation procedure is in hand but has yet to be finalised.

- 6.5.4 Secure by Design considerations are improved by the proposals. The narrow passageway previously proposed between the Treasury block and adjacent terraces was not considered to be a safe or desirable feature and is removed by these revisions. The covered parking spaces at the ground floor of Block 4 would not have been well overlooked and in some cases hidden from view which would have made them particularly susceptible to crime and theft. The revision to use this area as flats is a further improvement and in accordance with Policy DC63.

7. **Conclusions**

- 7.1 Staff are satisfied that the revisions to the scheme would improve the quality of the redevelopment and result in a more sensitive and beneficial re-use and treatment of the Treasury Block and an improvement in the relationship to the neighbouring terraces. The changes to the residential and tenure mix are also considered to be acceptable.
- 7.2 Should members agree with this conclusion, it is recommended that planning permission be granted subject to the prior completion of a deed of variation to the relevant S106 legal agreement so that it reflects this application.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications to the Council.

Legal implications and risks:

This application needs to be subject to the same Section 106 planning requirements as the original development and a variation to that obligation to make it applicable to this application is required. This will need to be finalised and signed prior to the issue of the planning permission.

Human Resources implications and risks:

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

Equalities implications and risks:

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.

APPENDIX 1 - P1417.11

1. Complete Accordance with Plans

All works for each part or phase of development shall be carried out in full accordance with the following approved plans, drawings, particulars and specifications, except where amended by the plans listed in Condition 1 of P1417.11, together with any other plans drawings particulars and specifications pursuant to any further approval of details as are approved by the Local Planning Authority:

2624_PL02_0001 - Site Location Plan
2624_PL02_0002 - Site Layout Plan
624_PL02_B1_100 Rev A - Block 1 General Arrangement Ground to Roof Level
2624_PL02_B2-3_100 to 106 Rev A -Block 2 and 3 General Arrangement Basement floor to roof level
2624_PL02_B4_100 Rev A - Block 4 General Arrangement Ground to roof level
2624_PL02_B5_100 to 104 Rev A - Block 5 General Arrangement Ground to Fourth Floor (Roof) Level
624_PL02_B6_100 to 104 Rev A - Block 6 General Arrangement Ground to Fourth Floor (Roof) Level
2624_PL02_B1_200 Rev B- Block 1 Street Elevations
2624_PL02_B2-3_200 to 201 Rev A - Block 2 & 3 Street Elevations 1 & 2
2624_PL02_B2-3_202 Rev A - Block 2 & 3 Courtyard Elevations
2624_PL02_B4_200 Rev B- Block 4 Street Elevations
2624_PL02_B5_200 to 201 Rev A - Block 5 Street Elevations 1 & 2
2624_PL02_B5_202 Rev A - Block 5 Courtyard Elevations
2624_PL02_B6_200 to 201 Rev A - Block 6 Street Elevations 1 & 2
2624_PL02_B6_202 to 203 Rev A - Block 6 Courtyard Elevations 1 & 2
2624_PL02_300 to 301 Rev A - Site Sections 1 & 2
2624_FLT01 to FLT08 - Flat Types 01 to 08 Ground and Upper Floor Plans
2624_HSE01 to HSE02 - House Types 01 to 02 Floor Plans
2624_CLR01a_GND to CLR01d_GND - Cluster Type 01a to 01d Ground Floor Plan
2624_CLR01a-b_UPR to CLR01c-d_UPR - Cluster Type 01a to 01d Upper Floor Plan
2624_CLR02a_GND to CLR02d_GND - Cluster Type 02a to 02d Ground Floor Plan
2624_CLR02a-c_UPR to CLR02b-d_UPR - Cluster Type 02a to 02d Upper Floor Plans
2624_CLR03a_GND to CLR03d_GND - Cluster Type 03a to 03d Ground Floor Plan
2624_CLR03a-c_UPR to CLR03b-d_UPR - Cluster Type 03a to 03d Upper Floor Plan
2624_CLR04a_GND to CLR04d_GND - Cluster Type 04a to 04d Ground Floor Plan

2624_CLR04a_UPR to CLR04c-d_UPR - Cluster Type 04a to 04d Upper Floor Plan
2624_CLR05 - Cluster Type 05 Ground Floor Plans

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 DC61.

2. Submissions and Approvals

Any application or submission for any other approval required by any condition attached to this permission shall be made in writing to the Local Planning Authority and any approval shall be given in writing. Any approved works shall be carried out and retained thereafter in accordance with that approval.

Reason: To ensure that the Development is satisfactorily implemented in accordance with any approvals.

3. Phasing Strategy

The development shall be carried out in accordance with the following phasing plans unless any variation is subsequently agreed in writing by the Local Planning Authority.

R9830-008: Site Phasing Plan Block 5
R9830-009: Site Phasing Plan Block 6
R9830-010: Site Phasing Plan Block 1 & CHP
R9830-011: Site Phasing Plan Blocks 2 & 3
R9830-012: Site Phasing Plan Block 4
R9830-013: Site Phasing Plan Block 4 Finishing
R9830-014: Site Phasing Plan Completion

Reason: To ensure that there is an appropriate phased sequence of development on the site.

4. Number of Residential Units

The number of residential units in the development hereby permitted shall not exceed 368 dwellings.

Reason: To comply with requirements to provide a details of the number of residential dwellings proposed.

5. Details of Materials

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, samples and details of all materials to be used in the external construction of the buildings and surfacing of all external areas comprised in the development, or each phase thereof as set out in the phasing strategy, shall be submitted to and approved in writing by the Local Planning Authority.

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

6. Boundary Treatment

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, details of treatment proposed for those parts of the boundaries comprised in that part of the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling unit within the development or the phase of the development to which it relates and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

7. Lighting

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, a scheme for the lighting of all external areas of the site or phase, including pedestrian routes within and at the entrances to that phase of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details to show that consideration has been given to nature conservation interests as well as highway safety and public amenity. The agreed scheme shall be installed in full for the site or phase, prior to the first dwelling of that phase being occupied. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times.

Reason: In the interests of highway safety, public amenity and nature conservation and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8. Landscaping

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, a scheme of soft and hard landscaping and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for their protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme for the development or relevant phase thereof shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same place.

Reason: To ensure the scheme has adequate landscaping and to ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. Landscape Management Plan

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

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

10. Play Area Design

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, a scheme for the design of the proposed play areas within the development or the relevant phase thereof shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall include details of the area measurement of the proposed play area/s, perimeter fencing, gates and surface materials and play equipment. The approved scheme shall be implemented prior to first residential occupation of the development or relevant phase thereof and permanently retained and maintained thereafter.

Reason: In the interests of amenity and so that the development accords with Development Control Policies Development Plan Document Policy DC61 and the Mayor of London's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation March 2008.

11. Tree Protection

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and /or 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.

12. Obscure Glazing

A scheme for obscure glazing of appropriate windows shall be submitted with the detailed plans for the development for each and every phase of the development hereby permitted as appropriate, to be agreed in writing by the Local Planning Authority prior to the commencement of the development or the relevant phase thereof. The obscure glazing shall be installed prior to the residential occupation of the relevant unit in accordance with the agreed scheme for the development or relevant phase thereof and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of privacy.

13. 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, Classes A - no extensions, roof alterations, porches, enclosures or hard surfaces 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.

14. Car Parking

Before any of the building(s) in the development or any phase of the development hereby permitted are first occupied, a plan showing provision of spaces shall be submitted for the development or that phase as relevant, to be agreed in writing with the local planning authority. Provision shall be made within the development or phase thereof, for car parking at the level agreed for the overall development or the specific phase. This shall include car parking spaces for people with disabilities at a ratio of not less than 4% of overall provision, thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available within the development in the interests of highway safety and that the development accords with Development Control Policies Development Plan Document Policy DC33.

15. Car Parking Management Scheme

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, details to show the car parking management scheme associated within that phase or within the development shall be submitted to the Local Planning Authority for approval in writing. The details shall include the details and measures to be used to manage the car parking areas. The car parking management scheme shall be provided in accordance with the approved details for the development or each phase thereof prior to the first occupation of the development or of each phase thereof. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

16. Cycle Storage

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, details to show how secure cycle parking is to be provided on site within that phase 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 one space per residential unit. Cycle storage facilities shall be provided in accordance with the approved details for each dwelling unit 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.

17. Road Construction

All roads to be adopted within the approved development shall be designed and constructed in accordance with current highway standards for adoptable highways, including footway provision, road width and road junction layout to the satisfaction of the Local Planning Authority. The design of roads to be adopted shall be of minimum width 5.5 metres, and any such road shall be constructed in full accordance with the plans and timetable that has been agreed with the Local Planning Authority.

Reason: In the interests of highway safety

18. Alterations to the Public Highway (1)

The proposed changes to the public highway shall be carried out in accordance with the details that have been approved in writing by the Local Highway Authority.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies CP10, CP17 of the Core Strategy DPD and DC61 of the Development Control Policies DPD.

19. Alterations to the Public Highway (2)

Within 3 months of the date of this decision any necessary agreement, notice or licence to enable the proposed alterations to the public highway shall be entered into.

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

20. Road Safety Audit

The findings of the approved Stage 1 and 2 Road Safety Audit shall be implemented in accordance with the approved details prior to the construction of the access and associated works, or as otherwise allowed in the audit. Stage 3 and 4 Road Safety Audits shall be undertaken at the appropriate time as prescribed in HD 19/03 of the Design Manual for Roads and Bridges and the findings of these Audits shall be implemented as recommended.

Reason: In the interests of highway safety and to comply with Policies CP10, CP15, CP17 and DC61 of the Core Strategy and Development Control Policies DPDs.

21. Car Parking Secure by Design

Within 3 months of the date of this decision or before first residential occupation of any building within the development, whichever is the earliest, a scheme shall be submitted in writing providing details of how any covered or basement parking to be provided within the development shall comply with Secured by Design standards. The scheme shall detail how the compliance can be achieved on a phased basis and once approved the development shall be carried out in strict accordance with the agreed details and thereafter permanently retained

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

22. Electric Vehicle Charging Points

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, a scheme making provision for 20% of the parking spaces within the development or relevant phase thereof to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20% of parking spaces shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the approved scheme.

Reason: In order to ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the draft revised London Plan.

23. Fire Brigade Access

Within 1 month of the date of this decision, a scheme for the provision of adequate access for fire brigade shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority. First residential occupation of any phase of the development or of the overall development hereby approved as the case may be shall not take place until the approved scheme for fire brigade access for the relevant phase or the approved scheme for the development site as a whole, has been implemented.

Reason: To ensure that adequate access for fire brigade purposes is made available in the interests of safety.

24. Signage

Prior to the first occupation of the development or each phase of the development hereby approved, a scheme of signage for the site or relevant phase thereof for the aid of pedestrians and cyclists shall be submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before occupation of the final unit of the development or relevant phase thereof is completed.

Reason: In the interests of the travelling public, pedestrians and cyclists and to comply with policies DC34 and 35 of the Core Strategy and Development Control Policies DPD

25. Foul and Surface Water Drainage

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 that phase of the works have been completed in accordance with the following plans:

R9830-CL-213 Rev F - S104 Drainage Layout Overall Site Plan
R9830-CL-208 Rev H - S104 Drainage Layout: Sheets 1 of 2
R9830-CL-209 Rev F - S104 Drainage Layout: Sheet 2 of 2
R9839-CL-211 Rev D - Drainage S104 Sections

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 .

26. Infiltration

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

Reason: To ensure protection of controlled waters.

27. Details of Fire Hydrants:

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of

the development, whichever is the earliest, a scheme detailing the location and detail of fire hydrants in that phase of the site or the development site as a whole shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any of the buildings of the development or phase thereof to be served by the identified hydrants, such hydrants as required by the LFEPA for that phase of the development or the development as a whole as the case maybe shall be provided in accordance with the LFEPA s requirements prior to the occupation of the relevant unit/s 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.

28. Access Statement

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, an access statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate that all parts of the development, including the car parks and all external public areas, shall be designed to be accessible for all, including people with disabilities. Such details shall include;

a) How the layouts, including entrances, internal and external circulation spaces, car parking areas, 10% of residential accommodation, directional signs, lighting levels and other relevant facilities are accessible, adaptable or otherwise accommodate those with mobility difficulties and visual impairments.

Such provision to make the development fully accessible shall be carried out in accordance with the approved details and made available before each phase of the development is first occupied or the development is first occupied as the case may be and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents and visitors in accordance with the Council s policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policy 4B.5 of the London Plan.

29. Lifetime homes

All residential units hereby approved are to comply with Lifetime Homes Standards, as defined in the Joseph Rowntree Foundation (JRF) publication Achieving Part M and Lifetime Home Standards April 1999 and the joint collaboration of JRF, Mayor of London, GML Architects and

Habinteg HA in the publication Lifetime Homes and as referred to in the GLA Accessible London SPG (Appendix 4 correct at March 2004),.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3A.5 of the London Plan.

30. Wheelchair Accessibility

10% of new housing shall be designed to be wheelchair accessible or easily adaptable for such residents and shall be constructed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. The units will thereafter be maintained in accordance with the approved scheme.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3A.5 of the London Plan.

31. Sustainability Statement

The development or relevant phase thereof shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development or relevant phase thereof is first 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.

32. Energy Statement

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall incorporate an energy demand assessment and an estimate of carbon savings expressed in tonnes of CO₂ per annum and percentages, relative to a 2010 Building Regulations compliant development and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development and a commitment to its installation together with details of the investigation and potential for

shared provision of generation capacity and how the development will be equipped for future connection to any district heating network. The renewable energy generation system and other measures identified in the statement shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the first occupation of the development or each phase thereof. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policies 4A.7, 4A.8 and 4A.9 of the London Plan.

33. Designing for Community Safety - Secured by Design

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, details of the measures to be incorporated into the development demonstrating how Secured By Design accreditation could be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development or each phase thereof as the case may be 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.

34. Designing for Community Safety - CCTV

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest, a scheme showing the details of a CCTV system for the development to be installed for the safety of residents, visitors and car park users and the prevention of crime throughout (for the avoidance of doubt to include all phases of the development), shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor. No part of any phase of the development shall be occupied or used before the scheme is implemented as agreed. . The approved scheme shall be retained and maintained in working order thereafter.

Reason: In the interest of residential amenity and creating safer, sustainable communities, in accordance with Policies CP17 and DC63 of the LDF and 4B.6 of the London Plan.

35. Refuse Storage and Segregation for Recycling

Prior to the first occupation of the development or each phase 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 or for each phase thereof as the case may be.

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.

36. Piling and Foundations

Piling or any other foundations using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure protection of groundwater.

37. Archaeological Investigation

No development of any future phase of the site shall take place until the applicant has secured the implementation of a programme of archaeological work for the relevant phase thereof in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority for the development or the relevant phases thereof as the case may be.

Reason: Important archaeological remains, including a Workhouse cemetery, may survive on this site. Accordingly, the Planning Authority wishes to secure the provision of adequate information on which to base a full planning decision for a mitigation strategy, in accordance with the guidance set out in PPS5, and in order that the development accords with Development Control Policies Development Plan Document policy DC70.

See Informative 5

38. Biodiversity Enhancement

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest as the case may be, a scheme for the biodiversity enhancement measures to be incorporated into the development or each phase of the development as the case may be as detailed in the approved documents and plans shall be submitted to and approved in writing by the Local Planning Authority. The development or each phase thereof 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

39. Construction Environmental Management and Logistics Plan

The development or the relevant phase thereof shall be carried out in accordance with the following approved documents:

Safety and Environmental Method Statement – Traffic Management
Risk Control Arrangement and Environmental Practice Notes
Construction Phase Health and Safety Plan

Reason: To protect residential amenity and to ensure the works are carried out in such a way to avoid, remedy or mitigate adverse effects, and in order that the development accords with Development Control Policies Development Plan Document policy DC61.

40. Delivery and Servicing Plan

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest as the case may be, a Delivery and Servicing Plan shall be prepared and submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of delivery and servicing. Delivery and Servicing facilities for each phase of the development or the development as a whole as the case may be shall be provided in accordance with the approved details prior to first occupation of development or of each phase thereof as the case may be. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

41. 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 Development Control Policies Development Plan Document policy DC61.

42. Road Noise Assessment

The measures to protect occupants from road traffic noise detailed in the Safety mark - Report on Noise and Vibration Impact Assessment shall be implemented prior to occupation.

Reason: To protect the amenity of occupiers of nearby premises in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise' and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

43. Contamination Assessment

Within 3 months of the date of this decision or before first residential occupation of any building within the development or of each phase of the development, whichever is the earliest as the case may be, the developer shall, on the basis of the Phase 1 Phase I (Desktop Study) Report and the Phase II (Site Investigation) Report, submit for the written approval of the Local Planning Authority and carry out as required the following:

a) A Phase III (Risk Management Strategy) Report where 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.

44. Sound Insulation

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

Reason: To prevent noise nuisance to adjoining properties in accordance with Development Control Policies Development Plan Document policy DC61 and DC55, and Planning Policy Guidance Note PPG24, Planning and Noise.

INFORMATIVE:

Reason for Approval:

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 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.9, 3A.10, 3A.11, 3D.13, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A, 4A, 4A.10, 4A.11, 4A.13, 4A.14, 4B.1, 4B.2, 4B.5, 4B.9, 4B.10 of the London Plan (Spatial Development Strategy for Greater London) 2008 and London Plan Supplementary Planning Guidance, including Providing for Children and Young People's Play and Informal Recreation, PPS1 'Delivering Sustainable Development', PPS3 Housing, PPS5 Planning for the Historic Environment PPS6 Planning for Town

Centres , PPG13 'Transport', PPG 15 Planning and the Historic Environment , PPS22 Renewable Energy , PPS25 Development and Flood Risk .

ii) for the following reason: The proposed development would fulfil the aims and objectives of the relevant policies of the Local Development Framework and London plan by providing the residential redevelopment of a brown field site. The proposal would provide both market housing and affordable housing for those with low incomes 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 play areas within a development of high quality design and layout. The impact arising from residential traffic from the development would be acceptable within the locality and the proposal would provide scope for improved pedestrian and cycle access. The decision fully recognises the advice of Circular 04/2000 in respect of the advice of the Health and Safety Executive. 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 provisions of a S106 legal agreement.

For a full copy of the written report, please visit the planning pages of the Council's website at www.havering.gov.uk/planning

2. 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.

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. In particular, appropriate Highway standards will need to be followed when designing adoptable roads and access junctions. 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.

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

5. In dealing with condition 37 (Archaeological Investigation) the applicant is advised that the development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design to assess these remains. The design should be in accordance with the appropriate English Heritage guidelines.

6. 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.

7. In aiming to satisfy conditions 22, 35 and 36, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Regulatory Services 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 this/these condition(s).

8. In applying for Secured by Design recognition for the residential element the applicant would be expected to comply with all appropriate measures as advised in the SBD New Homes 2010 guidance document, together with any site specific measures as advised in writing by the Crime Prevention Design Advisor, following a meeting to discuss any future application

9. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

10. 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.

11. 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.

12. Sustainable Urban Drainage Systems (SUDS) Support for the SUDS approach to managing surface water run-off is set out in paragraph 22 of Planning Policy Statement 1 (PPS): Delivering Sustainable Development and in more detail in Planning Policy Statement 25: Development and Flood Risk at Annex F. paragraph F8 of the Annex notes that Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations in sustainable rainwater drainage.

The drainage scheme proposed should provide a sustainable drainage strategy to include SUDS element with attenuation, storage and treatment capacities incorporated as detailed in the e CIRIA SUDS Manual (C697).

Further information on SUDS can be found in:

- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems design manual for England and Wales
- CIRIA C697 document SUDS manual
- The Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and full overview of other technical guidance on SUDS.

13 Pollution Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter should not discharge to the surface water system. Such areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. Effluent from these areas should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

No sewage or trade effluent should be discharged to the surface water drainage system. Any contaminated material that needs to be removed from the site should be taken to an appropriately licensed facility.

Any bunded areas should be impermeable to the materials stored within. They should not contain a damp-proof course and should be regularly checked and maintained to ensure integrity.

14. 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.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 March 2012

Subject Heading:

**P0962.11 – Former Premier Motors,
Jutsums Lane**

Report Author and contact details:

**Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges (Received 05/08/2011).
Helen Oakerbee (Planning Control Manager) 01708 432800**

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the material change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles.) The proposal would result in the relocation of an existing scrap metal facility from land to the rear of No.143 Crow Lane, to the site under consideration. The submitted information states that the throughput of the proposed facility would be in the region of 20,000 tonnes per annum, which would be an increase over the existing facility located at No.143 Crow Lane. The proposal would involve operational development including the demolition of an existing building, the erection of new boundary treatment including an acoustic screen, the installation of weighbridges, and the erection of a weighing and security centre.

RECOMMENDATIONS

Officers are recommending that the application be refused for the following reasons:

- 1) It is considered that the proposed development, by reason of the storage of large containers and the use of large mechanical plant outdoors, the use of substandard boundary treatment in the form of netting at the south eastern boundary, and the likely height and opacity of a proposed acoustic screen, would have a significant adverse visual impact when viewed from Jutsums Lane and Crow Lane, and would result in a detrimental impact on the character of the area. The proposal would therefore be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and Policy W5 of the Draft Joint Waste DPD for the East London Boroughs.
- 2) It is considered that the proposed development, owing to the proposed operations that would occur outdoors, in particular, the handling, movement, and dropping down of metals, would result in a significant noise impact on noise sensitive properties located along Jutsums Lane. It is considered that any effective acoustic screen would be of a scale that would not have an acceptable visual impact. The proposal would be detrimental to residential amenity and is therefore contrary to Policies DC10, DC55 and DC61 of the Core Strategy and Development Control Policies DPD and Policy W5 of the Draft Joint Waste DPD for the East London Boroughs.

However, should Members be minded to approve the proposal, then officers recommend 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. 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.

4. Boundary Treatment - No development shall take place until details of the proposed boundary treatment between the site and the surrounding properties, including along the access route have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposal being brought into use.

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.

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

Reason:-

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

6. Bicycle Storage - Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of bicycles for use by staff, according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In order that the development accords with the Development Control Policies Development Plan Document Policy DC33.

7. Noise - No development shall commence until details of a scheme have been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be implemented prior to the first use of the site and thereafter retained for the life of the development. The applicant should have regard to the "reasonable" design range for reasonable resting conditions for living rooms (40 dB LAeq T) as prescribed in BS8233:1999-Sound insulation and noise reduction for buildings-Code of Practice.

Reason:-

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

8. Landscaping - No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. 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.

9. Building Materials - No development shall take place until details of materials and colour scheme relating to the buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the approved development being brought into use and shall thereafter be retained for the life of the development.

Reason:-

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

10. Dust Mitigation – No development shall take place until a scheme for the control of dust-drift has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented from the commencement of development and be retained for the life of the development. Should dust be observed crossing the site boundary at any time, then any outdoor site operations shall cease immediately and not recommence until the dust-drift has been brought under control.

Reason:-

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

11. Drainage - The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason:-

Waste activities, particularly metal recycling can give rise to water contamination. This contamination must be properly controlled and prevented from entering the surface water drainage system, and causing pollution.

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

Reason:-

The site lies on a Secondary Aquifer and the previous use of the site could have resulted in contamination of the soil and groundwater. Infiltration of surface water would provide a potential pathway for contamination to migrate into the underlying secondary aquifer.

13. Operating Hours - No operations/activities shall be carried out on the site outside the hours of 08:00 and 18:00 Mondays to Fridays and the hours of 08:00 and 15:00 on Saturdays. No operations shall be carried out at any time on Sundays, Bank or Public Holidays.

Reason:-

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

14. Storage Heights – All waste material, containers, and plant to be stored in the open air shall be sited in accordance with the approved plan referenced 2737_CM03B. The height of any loose waste material stockpiled in the open air shall not exceed 3m in height.

Reason:-

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

15. Annual Throughput – The annual throughput of waste materials at the site shall not exceed 20,000 tonnes.

Reason:-

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

16. That the authorised use pursuant to this planning permission shall not commence on any part of the application site until the operation of the scrap metal facility at No. 143 Crow Lane permanently ceases and all plant, machinery, containers and materials associated with it are permanently removed from the site at 143 Crow Lane which for the avoidance of doubt is the area outlined in blue on Drawing Reference 2737_PL16.

Reason:-

To secure greater openness of the Green Belt in the vicinity of the application site and in particular at 143 Crow Lane which is located within the Green Belt and to improve the visual amenity of that site.

INFORMATIVES

This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and also requires an Environmental Permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and /or land development works are waste.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with ourselves or by obtaining an Environmental Permit.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste legislation, which includes:

Duty of Care Regulations 1991
Hazardous Waste (England and Wales) Regulations 2005
Environmental Permitting Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises land and buildings that were formerly occupied by Premier Automotive Parts. Prior to its closure approximately two years ago, the site was used as a car retail, repair, and maintenance centre.
- 1.2 The site's southern and eastern boundaries lie adjacent to Crow Lane and Jutsums Lane respectively. The northern and western boundaries abut neighbouring sites in industrial or other employment uses. Neighbouring dwellings are located approximately 23m from the eastern boundary, on the opposite side of Jutsums Lane.
- 1.3 The site comprises several imposing buildings. A large, pitch-roofed works dominates the western end of the site, the length of which runs from north to south and attached to which is a smaller works building. Attached to these buildings is what appears to be a former show room building, which has an east-west orientation and is fronted by a hard standing area alongside Crow Lane. This building and its hard standing area are located outside of the site boundary and would be unaffected by this application. An office building, having the appearance of a dwelling, is located in the centre of the site and is fronted, to the east, by a vehicle parking area, which dominates the eastern end of the site. The buildings are currently boarded up and the site is fenced off.

1.4 The site is designated in the LDF as a Secondary Employment Area. The site's southern boundary abuts Crow Lane, which is washed-over Green Belt.

2. Description of Proposal

2.1 This planning application proposes the change of use of a former car retail, repair and maintenance centre to a scrap yard for the recycling, processing, storage and distribution of scrap metal (excluding the dismantling of vehicles.) The submitted information states that the throughput of the proposed facility would be up to 20,000 tonnes per annum, which would be an increase over the existing facility located at No.143 Crow Lane, and would trigger the requirement for an Environmental Permit to be held by the operator. The proposal would involve operational development in the form of the following:

i) An existing site office and ancillary buildings would be demolished;

ii) Part of the small works building would be demolished to create a new entrance;

iii) A gated off-street drop-off and waiting area for smaller vehicles would be created at the southern end of the larger works building, to be accessed from Crow Lane;

iv) A new concrete yard would be created to the east of the remaining buildings and would occupy the majority of the site. It would contain two weighbridges; a weighing and security station; bin storage bays along the northern and southern boundaries; lorry and car parking at the eastern end of the site; and a bicycle storage area;

v) The erection of an acoustic screen with access gate onto Jutsums Lane along the eastern boundary; and

vi) Signage and palisade fencing with netting along the south eastern boundary.

2.2 Specific details have not been submitted in relation to the acoustic screen, although the submitted Noise Assessment assumes that it would have a height of 3m.

2.3 Bailing, wire stripping, and shearing operations would take place within the building, along with the storage of bins and pallets. The largest bins stored in the yard would be approximately 3m in height.

2.4 The applicant estimates that around 6 HGVs and 50-100 smaller vehicles would visit the site per day. HGVs and vans would enter the site through the Jutsums Lane access. Metal objects would be deposited in the yard from vans and HGVs, and dropped into bins using a "grab". The submitted

information indicates that the grab machine would, owing to its height, be visible beyond the site boundary.

3. Relevant History

3.1 This planning application was put before Members at the 23rd February 2012 Regulatory Services Committee meeting, recommended for refusal by officers. Following a debate, Members indicated that they may be minded to approve the scheme and deferred the application to allow time for the applicants to discuss terms for a Section 106 agreement designed to secure the cessation of the existing scrap yard use on the site at No. 143 Crow Lane and also for staff to be able to supply suggested planning conditions to attach to any planning permission granted.

3.2 There are no previous planning decisions of particular relevance to this application, however, the Council is currently considering a related planning application for the redevelopment of land at No.143 Crow Lane, with the resultant transfer of its Scrap Metal facility to the site under consideration.

P1578.11 - Change of use from storing, sorting, handling & processing of scrap metal to B1/B8 - Under consideration.

4. Consultations/Representations

4.1 Since this application was last presented to Members, four additional letters of objection have been received from the occupiers of the four properties facing the site, along Jutsums Lane. The objections raised are as follows:

- a) The Council's Environmental Health officers have advised that unacceptable noise levels would occur as a result of the proposal;
- b) The proposal would contravene the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993, and the Noise Act 1996;
- c) The proposal would change what was a light industrial use to a heavy industrial type of use that would be detrimental to the amenity of neighbouring occupiers;
- d) The increased heavy goods traffic arising from the proposal would have adverse impacts on pedestrian safety, cause damage to pavements and verges.

4.2 Notification letters were originally sent to 21 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements were placed in the local press. Nine letters of representation were received, objecting to the proposal on the following grounds:

- a) Hazards to pedestrians from increased HGV movements;
- b) Lack of vehicle parking in the area;
- c) Noise impacts; an effective acoustic screen would need to be very tall and would be an eyesore;
- d) Dust drift;
- e) Damage to pavement would be likely from HGVs;
- f) Grass verges would be destroyed;

- g) Noise from HGVs queuing to enter the site would affect residential properties;
- h) Noise from the handling and processing of metals would adversely impact on residents;
- i) The proposal could encourage more criminal activity in the area.

4.3 Comments have been received from the following consultees:

Environment Agency - No objections.

Thames Water - No objections.

Environmental Health (Contaminated Land) - No objections; condition recommended.

Environmental Health (Noise) - Objection raised owing to the likely noise impacts of the proposal on neighbouring occupiers.

Highways - No objections.

Secured By Design Officer - No objections; condition and informative recommended.

London Fire Brigade - No objections.

5. Relevant Policies

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

- DC10 - Secondary Employment Areas
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

5.2 The following policies of the Joint Waste DPD for the East London Boroughs ("the Joint Waste DPD"):

- W2 - Waste Management Capacity, Apportionment and Site Allocation
- W5 - General Considerations with Regard to Waste Proposals

5.3 National Planning Guidance

- PPG2 - Green Belts
- PPS10 - Planning for Sustainable Waste Management

6. Staff Comments

6.1 This application is put before Members because it is considered to be of a sensitive nature. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

6.2 Principle of Development

6.2.1 The site is designated as a Secondary Employment Area. Policy DC10 of the LDF states that planning permission will be granted for B1, B2, and B8 uses providing they do not adversely affect the amenity of adjoining residential areas. It is considered that the site effectively benefits from B2 use rights already on account of the site's previous use. However, the proposed use is for a scrap yard (*sui generis*.)

6.2.2 Policy DC10 states that planning permission for uses other than B1 (b) (c), B2 and B8 uses will only be granted in exceptional circumstances and sets out criteria that must be demonstrated. The criteria are as follows:

“ the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period

• the site is not considered fit for purpose when assessed against the economic, planning and property market criteria provided in Appendix A of Havering’s Employment Land Review 2006

• the site has proved very difficult to dispose of for B1 (b) (c), B2 and B8 uses.”

6.2.3 Whilst the proposed scrap yard use is a *sui generis* use and therefore a use other than those stipulated in Policy DC10, it is considered that the proposed use would be very similar in character to a general industrial use. As such, officers consider that there would be little, if any, merit in having the applicant provide the information required in relation to the criteria of Policy DC10, as would usually be the case.

6.2.4 Whilst the proposed use is considered to be sufficiently different from the previous use to result in a material change of use, in terms of the objectives of Policy DC10, it is considered that the proposed use would be so similar in nature to the stated employment-related uses, that there would be no benefits to be gained in asking the applicant to provide the information required in Policy DC10, in relation to “other” uses, in the way there would be if explicitly non-industrial or non-employment uses were being proposed.

6.2.5 As discussed further on in this report, the proposal would adversely affect the amenity of an adjoining residential area, and the proposal is therefore considered to be contrary to Policy DC10 of the LDF.

- 6.2.6 In accordance with the London Plan, Policy W2 of the Joint Waste DPD apportions 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.
- 6.2.7 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. Policy W5 states that new facilities for the management of non-apportioned waste (i.e. quantities of waste that go beyond the amounts allocated to the area in the London Plan), as is proposed in this case, should demonstrate that there is not a more suitable site in closer proximity to the waste arising having regard to the criteria of that policy.
- 6.2.8 Whilst the site is a designated industrial location, the applicant's attempt to demonstrate that there are no opportunities within the Schedule 1 and 2 sites is very limited. The applicant states that the scheduled sites are not located near enough to local communities, which are the source of the waste handled. It is therefore concluded that locating facilities like the one under consideration in any of the scheduled sites would discourage recycling, contrary to national planning objectives. As those who bring scrap metal to the existing facility at No.143 Crow Lane receive cash for doing so, the applicant asserts that increased travelling distances will deter people from recycling.
- 6.2.9 This is not considered to be a very convincing argument. Firstly, as the dumping of waste without licence is a criminal offence, any individual needing to dispose of scrap metal would be legally obliged to do so in a responsible manner. This might include taking waste to a local recycling centre or putting the waste in a hired skip. In both cases, the scrap metal would most likely end up at waste recycling or transfer facilities and ultimately would be recycled, particularly given the costs of sending waste to landfill. Moreover, the argument put forward ignores the fact that the scheduled sites, identified in a DPD that was considered sound following its Examination in Public, have, amongst other factors, been identified with environmental considerations in mind. The representations received from the public in relation to planning application P1578.11 indicate that the existing scrap metal site causes a nuisance to local occupiers in terms of access arrangements, visual, and noise impacts.
- 6.2.10 The proposed change of use, which would see the existing scrap metal business move to the former Premier Motors site would have various benefits. At this Committee's consideration of the proposal on 23rd February, Members indicated that they attached significant weight to certain of those factors. The application site is considerably more spacious than the existing site, which would permit improved recycling rates. The application site would

have considerably better access arrangements from the public highway. The removal of the existing scrap metal site from a site in the Green Belt, to a site designated as being appropriate for Employment uses, could have a beneficial impact on the openness and visual amenities of the Green Belt. The proposed facility would handle a greater volume of waste per annum than the existing one and would therefore become a site permitted by the Environment Agency subject to a licensing regime, which would potentially result in improved environmental controls compared to the existing site. The submitted information indicates that the increase in waste capacity over and above the existing site would be modest, with much of the increased site area being taken up by processing. However, allowing a non scheduled site to be approved would result in the area's apportionment of waste being exceeded.

6.2.11 On balance, staff consider that the applicants have not adequately demonstrated that there are no opportunities within the Schedule 2 sites. It is considered that the proposal, which would not be located at a scheduled site and which would result in the East London Waste Authorities apportionment being exceeded, is contrary to Policy W2 of the Joint Waste DPD. Moreover, whilst the applicants have attempted to justify the proposal in relation to the scheduled sites and stated there would be an improvement over the existing site on Crow Lane, they have not demonstrated that the proposal would be preferable in terms of proximity and other factors compared to other sites generally, meaning the proposal is contrary to Policy W5.

6.2.12 However, subject to the completion of a legal agreement preventing the continued use of No.143 Crow Lane as a scrap yard in conjunction with an appropriate planning condition, the proposal would deliver benefits such as the improvements to visual amenity and openness at the existing Green Belt site. Moreover, the proposal would allow for increased recycling rates and improved access arrangements compared to the existing Crow Lane facility. Whilst the proposal would be contrary to Policies W2 and W5 of the Joint Waste DPD, staff consider, on balance, that the afore mentioned benefits outweigh this.

6.2.13 Whilst it is considered that the proposal could be acceptable, weighing the benefits outlined in paragraph 6.2.10 against non compliance with Policies W2 and W5 and as the proposal would be contrary to Policy DC10 of the LDF, by resulting in significant harm to neighbouring residential properties, the proposal is not considered to be acceptable in principle.

6.3 Design Considerations

6.3.1 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. Paragraph 3.15 of PPG2 states that: the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design. Policy W5 of the Joint Waste DPD states that proposals

for new facilities managing non-apportioned waste should not result in material adverse visual and landscape impacts.

- 6.3.2 Objections have been received from neighbouring occupiers stating that the proposed acoustic screen would need to be significant in scale and would be detrimental to visual amenity.
- 6.3.3 The site's southern boundary lies adjacent to the Green Belt and the site would be conspicuous from the Green Belt. However, where the site would be visible from the Green Belt, it would not undergo any significant alterations, with the southern end of the works building to be retained. The remainder of the site would mainly be screened by the former retail building, which lies outside the site.
- 6.3.4 Whilst the site was formerly in industrial use, the industrial processes arising from the former use mainly occurred indoors. The area facing Jutsums Lane was used as a car park and is dominated by the site office building. Across the road from the site's eastern boundary are residential properties and to the south is open land designated as Green Belt. It is considered that this area of Jutsums Lane, including that part of the site fronting on to it, does not have a particularly industrial character. The proposed development would result in a significant change to the character of the site, with the eastern half abutting Jutsums Lane becoming an area accessed by HGVs and vans, the storage of large metal containers, the depositing of metals, and the use of a "grab" machine.
- 6.3.5 It is considered that the proposed removal of buildings and alterations to the remaining buildings would not result in any significant adverse visual impacts. The proposed storage of smaller metal containers, installation of weighbridges, and other operations within the yard could largely be screened by boundary treatment, the nature of which could be controlled by means of a planning condition. However, it is considered that the storage of the larger metal bins, which are approximately 3m in height, and the use of plant for the movement of scrap metal would have a significant adverse impact on the character of the area. This could be partially ameliorated by the presence of the proposed acoustic screen. Details of the proposed acoustic screen have not been submitted, although the submitted noise report assumes that such a structure would be 3m in height. However, it is considered that an opaque screen wall and gate at this height would have an over bearing impact on the street scene, particularly as the site currently has a much more open appearance when viewed from Jutsums Lane. It is also considered that the proposed palisade fencing with netting at the site's south eastern boundary, where there is currently formal brick wall and railing structure, would be unsightly and detrimental to the character of the area.
- 6.3.6 Given the nature of the proposal, in particular the proposed storage of large containers, the use of a mechanical grab, and the proposed boundary treatment along the eastern and south eastern boundaries, it is considered that it would have a significant adverse impact on the character of the area, and that it would therefore be contrary to Policy DC61 of the LDF and Policy

W5 of the Joint Waste DPD. In this instance, it is not considered that there are planning conditions which could be imposed that would help to address the concerns raised.

6.4 Amenity Considerations

- 6.4.1 Policy DC55 of the LDF states that planning permission will not be granted if it would result in a development causing exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy W5 of the Joint Waste DPD states that new waste facilities managing non-apportioned waste should not result in material adverse impacts on neighbouring amenity including noise.
- 6.4.2 The site's eastern boundary is located approximately 23m from four residential properties located along Jutsums Lane (23m from the dwellings, and approximately 15m from the boundaries of front gardens.) Neighbouring occupiers have objected to the proposal stating that it would result in significant adverse noise impacts arising from traffic noise and the handling of metals within the yard. It has also been stated that dust-drift could occur.
- 6.4.3 It is considered that dust drift would not generally be a problem given the nature of the waste being handled, however, it is considered that it would be prudent to employ a condition requiring the submission of details relating to dust control measures.
- 6.4.4 The application is accompanied by a Noise Assessment, which has been considered by the Council's Environmental Health Service. The information contained in the report states that the proposed activities would give rise to noise levels at the boundary nearest to noise sensitive properties far in excess of the Council's standards. Moreover, limitations in terms of the report's methodology mean that the noise impact of the proposal is likely to have been underestimated. For instance, the monitoring points, which were located along Crow Lane, would suggest a higher background noise level than would exist on the less frequented Jutsums Lane. The report assumes the presence of a 3m high acoustic screen along the site's eastern boundary, which, as discussed, would not be acceptable on visual impact grounds and would be undermined by the fact that the gate would be opened on a frequent basis to admit vehicles. Finally, the calculations do not include the noise likely to be generated by the tipping of metals on to the hard standing. As the anticipated noise levels referred to in the report, which appear to underestimate the likely noise impacts, would exceed the Council's standards, and given that Environmental Health object to the application, the proposal is considered to be unacceptable in terms of the impact it would have on residential amenity.
- 6.4.5 One of the justifications for the proposal is that it would facilitate the relocation of the existing scrap metal facility, which causes a nuisance to local occupiers in terms of noise and outlook, away from No.143 Crow Lane.

However, to grant planning permission for this proposal would only transfer the amenity impacts to occupiers along Jutsums Lane.

- 6.4.6 Given the nature of the proposal, included its siting in relation to neighbouring noise-sensitive properties and the nature of the operations that would occur outdoors, it is considered that there would be significant adverse impacts on the amenity of neighbouring occupiers located along Jutsums Lane. It is therefore considered that the proposal would be contrary to Policies DC55 and DC61 of the LDF, and Policy W5 of the Joint Waste DPD. In this instance, it is not considered that there are planning conditions which could be imposed that would help to address the concerns raised.

6.5 Parking and Highway Issues

- 6.5.1 Policy DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. Policy W5 of the Joint Waste DPD states that proposals should avoid material adverse impacts on the highway network and access arrangements.
- 6.5.2 Local occupiers have objected to the proposal stating that there is insufficient parking in the local area or capacity on the highway for the additional traffic that the proposal would give rise to. It is also stated that verges and pavements would be damaged by HGVs and that there would be a significant adverse impact on pedestrian safety.
- 6.5.3 The site would have two vehicular access points. An access onto Crow Lane would be used by smaller vehicles. The Highway Authority was consulted about the proposal and has raised no objections. In terms of the proposed access arrangements and the likely generation of vehicular traffic, it is considered that the proposal would be comparable to the former use of the site and to the B2/B8 uses that are encouraged at the site as a Secondary Employment Area. It is considered that sufficient parking would be provided. As the Highway Authority has raised no objections, the highway impact of the proposal is considered to be acceptable, having had regard to Policy DC33 of the LDF and W5 of the Joint Waste DPD.

6.6 Other Considerations

- 6.6.1 Neighbouring occupiers have objected to the proposal on the grounds that it could encourage criminal activity in the local area. However, the Council's Secured by Design Advisor has considered the proposal and raised no objections subject to the use of a condition and informative, which could be employed should planning permission be granted.
- 6.6.2 One of the justifications for the proposed development is that it would facilitate the relocation of the existing Crow Metals facility from its current site within the Green Belt to a more appropriate location, resulting in benefits to the visual amenities and the openness of the Green Belt and a reduction in the impacts on local occupiers. As discussed, an application to

change the use of the existing scrap metal site is being considered by the Council.

- 6.6.3 Should the Committee be minded to grant planning permission for the proposed development then it is recommended that a legal agreement be sought in conjunction with an appropriate planning condition wherein the applicant agrees to cease the use of the existing scrap metal business at No.143 Crow Lane, prior to the use commencing at the site under consideration. The absence of such a legal agreement would result in the proposal failing to have sufficient benefits to overcome its being contrary to Policies W2 and W5 of the Joint Waste DPD for the East London Boroughs.

7. Conclusion

- 7.1 The proposed development, taken together with the application to change the use of the existing Crow Metals site on Crow Lane, would result in the removal of the existing scrap metal facility from its current location and its transfer to the former Premier Metals site. Officers recognise that benefits would arise from this proposal, particularly in relation to the Green Belt, access arrangements, and improvements to visual amenity along Crow Lane. It is clear from the debate at the 23rd February Committee that Members may wish to apply significant judgements in weighing up the merits or otherwise of the proposal. However, staff consider that the proposal to establish a scrap metal facility at the former Premier Motors site would result in significant adverse impacts on the character of the local area and on the amenity of neighbouring occupiers along Jutsums Lane as a result of noise impacts. The proposal is therefore considered to be contrary to Policies W2, W5, and DC10, DC55, DC61 of the LDF.
- 7.2 Officers consider the proposal to be unacceptable having had regard to Policies DC10, DC33, DC45, DC55, DC61, DC63, and DC67 of the LDF, Policy W2 of the Joint Waste DPD, and all other material considerations.
- 7.3 Since this application was last put before Members, heads of terms for a Section 106 agreement have been drafted. Should Members be minded to approve this proposal, it is recommended that any approval be subject to the prior completion of such a legal agreement and imposition of planning conditions suggested at the beginning of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application site comprises land which has been disposed of by the Council.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement in respect of 143 Crow Lane.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Planning application P0962.11

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 March 2012

Subject Heading:

P1578.11 – No.143 Crow Lane, Romford

Change of use from storing, sorting, handling & processing of scrap metal to B1/B8 (Received: 19/10/2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the change of use of the site for B1/B8 use. The existing buildings would be retained and would be subject to some operational development in the future to make them more suitable for B1/B8 uses. The existing access would be retained, whilst the yard would be used as a parking area, with the existing weighbridge being removed. This application is related to a separate submission (reference P0962.11) being considered by the Council, to move the

existing scrap metal business and weighbridge to the former Premier Motors site at the junction between Crow Lane and Jutsums Lane.

RECOMMENDATIONS

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

- That, should planning permission be granted for planning application P0962.11, that prior to commencement of the use of the scrap metal facility at the former Premier Motors site, the operation of the existing scrap metal facility at No.143 Crow Lane, permanently cease, and all plant, machinery, containers, and materials associated with it be permanently removed.
- That prior to commencement of the use of the scrap metal facility at the former Premier Motors site a Certificate of Lawfulness of Existing Use or Development issued under Section 191 of the Town and Country Planning Act 1990 under reference E0006.95 dated 5th January 1996 relating to the site at 143 Crow Lane is set aside without compensation so that it no longer has legal effect.
- The Council's reasonable legal fees for preparation of the agreement irrespective of whether or not it is completed.

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete 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

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

Reason:-

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

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

Reason:-

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

5. Bicycle Storage - Prior to the first use/occupation of the development hereby permitted, provision shall be made for the storage of bicycles for use by staff, according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In order that the development accords with the Development Control Policies Development Plan Document Policy DC33.

6. Prior to the commencement of the development hereby approved, all plant, containers and material associated with the scrap yard business shall be removed from the yard. Thereafter, the outside areas of the site shall not be used for the storage of plant, containers or material.

Reason:-

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

7. Prior to the development hereby approved being brought into use, the weighbridge located within the yard shall be removed and the ground re-surfaced to match the remainder of the yard. The resultant materials/equipment shall be permanently removed from the site.

Reason:-

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

8. Permitted Development Rights - Notwithstanding the provisions of Classes A and B (a) of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), extensions or other alterations to the approved building shall not be undertaken without the prior written approval of the Local Planning Authority.

Reason:-

In the interests of the amenity of neighbouring occupiers, the character of the area, and the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC45 and DC61.

9. Operating Hours - The operating hours of any B1 or B8 uses shall be limited to the hours 0800-1800hrs Monday-Friday, 0900-1300hrs Saturdays, with no operations on Sundays, Bank, or Public holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

Reason for Approval:

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives of Policies DC22, DC33, DC45, DC55, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document, and the guidance contained in PPG2.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A

fee of £85 per request (or £25 where the related permission was for extending or altering a dwelling house) is needed.

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 primarily located to the rear of No.143 Crow Lane, comprises land and buildings being used as a scrap yard. The site access, which is taken from the southern side of Crow Lane, passes by the side of 143 Crow Lane, which is a former dwelling that appears to be used as a beauty salon and site office and which for the avoidance of doubt does not form part of the application site. The scrap metal storage, sorting, and processing operations take place to the rear of the afore mentioned building within an open yard and flat-roofed brick buildings running along the site's southern, eastern and western boundaries. The yard is occupied by metal containers of various sizes, along with a fork-lift truck. The processing of metals, which includes the stripping, compacting, and bailing of copper, bronze, aluminium, stainless steel, and other metals, takes place within the buildings.
- 1.2 The scrap metals are brought to the site by contractors and members of the public, and are processed, stored, and then transferred off site. The site also includes a public weighbridge.
- 1.3 The site's northern boundary abuts the public highway and the rear of No.143 Crow Lane. The western and eastern boundaries lie adjacent to neighbouring residential properties, whilst the southern boundary abuts a golf course. The area is characterised by a mixture of commercial and residential properties located along Crow Lane.
- 1.4 The site is located in the Green Belt and on land designated as Thames Chase Community Forest.

2. Description of Proposal

- 2.1 This planning application proposes the change of use of the site for B1/B8 use. Ultimately, this would result in the conversion of the buildings at the site, although the required works are understood to be of a generally superficial nature, and would need to be the subject of a future planning application.
- 2.2 The existing buildings would be retained and would be subject to some operational development in the future to make them more suitable for B1/B8 uses. The existing access would be retained, whilst the yard would be used as a parking area, with the existing weighbridge being removed.
- 2.3 This application is related to a separate submission (reference P0962.11) being considered by the Council, to move the existing scrap metal business and weighbridge to the former Premier Motors site at the junction between Crow Lane and Jutsums Lane.

3. Relevant History

- 3.1 This planning application was put before Members at the 23rd February 2012 Regulatory Services Committee meeting, recommended for approval by officers. Members debated, and deferred, a separate planning application, which is intended, effectively, to enable the transfer of this scrap metals facility onto the vacant Premier Motors site located between Crow Lane and Justsums Lane. This was to allow time for the applicants to prepare terms for a possible Section 106 agreement with appropriate planning condition and additional information, and to enable officers to identify planning conditions. Because of the linkages between the two sites, this application was also deferred.
- 3.2 P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges - Under consideration.

4. Consultations/Representations

- 4.1 Notification letters were sent to 15 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. Four representations have been received from local residents supporting the proposal for the following reasons:
 - i) The existing site is too confined and results in amenity and traffic impacts;
 - ii) Moving the scrap metal use to more appropriate premises would have a beneficial impact on local amenity;
 - iii) The proposal would improve the site and therefore be beneficial to the Green Belt;
 - iv) The existing site is an eyesore that diminishes the amenity of local residents.

4.2 Comments have been received from the following consultees:

Highways - No objections.

Thames Water - No objections.

London Fire Brigade - No objections.

Secured by Design Advisor - No objections.

5. Relevant Policies

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

DC22 - Thames Chase Community Forest

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC55 - Noise

DC61 - Urban Design

DC63 - Delivering Safer Places

5.2 National Planning Guidance

PPG2 - Green Belts

6. Staff Comments

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

6.2 Principle of Development

6.2.1 The site is located on land designated as Thames Chase Community Forest. Policy DC22 of the LDF states that opportunities for informal recreation in the countryside will be increased by various means. As the site is already developed and has no capacity for incorporating any of the schemes referred to, then it is considered that the proposal would not be contrary to Policy DC22.

6.2.2 The proposed development would take place within the Green Belt. Policy DC45 of the LDF states that planning permission for the reuse of existing buildings will only be granted if the criteria set out in PPG2 is satisfied, and that particular care will be taken to ensure a proposal would not have a greater impact on the openness of the Green Belt.

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

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
 - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 6.2.4 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (PPG2, paragraph 3.2).
- 6.2.5 In terms of Green Belt policy, the application proposes the re-use of an existing building and the material change of use of land associated with it, including the yard and access.
- 6.2.6 Although no physical changes are proposed to the buildings as part of this planning application, it is anticipated that physical changes would be sought in the future and the applicant is aware that planning permission would be required. Paragraph 3.8 of PPG2 states that the re-use of buildings in the Green Belt is not inappropriate development providing that it does not have a materially greater impact on the openness of the Green Belt than the present use; that strict control is exercised over the extension of re-used buildings; that the buildings to be re-used are of permanent and substantial construction and capable of conversion without major or complete reconstruction; and that the form, bulk and general design of the buildings are in keeping with their general surroundings. It is considered that the proposed re-use of the buildings at the site would be in accordance with the criteria contained in Paragraph 3.8 of PPG2.
- 6.2.7 The existing use involves the storage of numerous metal containers and scrap metal outdoors. Should planning permission be granted, then a condition could be imposed preventing the storage of plant or material in the open air. Furthermore, the application does not propose the extension of the existing buildings. It is therefore considered that the proposal would result in an improvement to the openness of the Green Belt compared to the present use. The existing buildings are considered to be of substantial and permanent construction and capable of conversion without major or complete reconstruction. Information submitted by the applicant states that only superficial changes would be required to modify the buildings, such as changes to the cladding, which would be the subject of a future planning application. As the buildings on site would generally remain as existing in terms of their scale, it is considered that the proposal would not result in the buildings being out of keeping with the surrounding landscape.

6.2.8 Paragraph 3.12 of PPG2 states that material changes in the use of land, constitute inappropriate development in the Green Belt except where they maintain openness and do not conflict with the purposes of including land in the Green Belt. It is considered that the proposed change of use relating to the yard and access would benefit the openness of the Green Belt as a condition could be employed, should planning permission be granted, requiring the removal of the containers, waste and equipment within the yard, and preventing any outdoor storage in future. The proposal would not conflict with the purposes of including land in the Green Belt when considering the existing scrap yard use.

6.2.9 It is therefore considered that the proposed development would not constitute inappropriate development in the Green Belt and that it is therefore acceptable in principle, having had regard to Policy DC45 of the LDF and the guidance contained in PPG2.

6.3 **Design Considerations**

6.3.1 The site is located within the Green Belt.

6.3.2 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.

6.3.3 As discussed, the proposed re-use of the buildings at the site would not result in any significant changes to their overall height, bulk and massing. The external changes required would be relatively superficial and would, if necessary, be the subject of a future planning application. The Local Planning Authority can therefore ensure that any changes that do occur, such as the insertion of new openings, or changes to the exterior materials, will be acceptable in terms of the visual amenities of the Green Belt and the impact on the character of the area. Moreover, a condition can be imposed, should planning permission be granted, requiring the removal of the containers, waste, and plant stored in the yard, and preventing outdoor storage in future. A further condition requiring the submission of details relating to the boundary treatment would ensure the removal of some of the existing boundary treatment, the height, design and materials of which are unsightly.

6.3.4 Details have not been submitted in relation to the storage of refuse and recycling; a condition can be imposed requiring the submission of these details for the approval of the LPA. It is recommended that a further condition be imposed removing permitted development rights as Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows for extensions and alterations to warehouse buildings. It is considered that the approval of the Council should

be sought for any future extensions or alterations to protect the visual amenities of the Green Belt and the local area.

- 6.3.5 Given the nature of the proposal, in particular the proposed height, bulk, and massing of the re-used building, and the ability of the LPA to control any likely operational development in future, it is considered that it would not have a significant adverse impact on the visual amenities of the Green Belt or the character of the area. Moreover, there would be an improvement to visual amenity through the prevention of storage in the open air and an improvement to the boundary treatment. It is therefore considered that the proposal would be in accordance with Policy DC61 of the LDF and the guidance contained in PPG2, subject to the use of the afore mentioned conditions.

6.4 Amenity Considerations

- 6.4.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.4.2 The site is located in very close proximity to sensitive land uses, including the two neighbouring land uses, which are residential properties. It is considered that the proposed B1/B8 uses would result in an improvement to the amenity of local occupiers. The current use involves noisy activities such as the depositing of scrap metal in metal containers within the yard, and the movement of metal containers within the yard. The site generates a significant number of vehicle movements, not only smaller vehicles but HGVs, some of which visit the site to make use of the weighbridge.
- 6.4.3 As discussed, this proposal is related to a separate application to move the existing scrap metals business and weighbridge to the former Premier Motors Site. A condition can be imposed to prevent the future storage of containers, plant, and material in the yard, which would ensure that the bulk of activities would occur within the buildings. A condition could also be imposed requiring the removal of the weighbridge. These conditions would ensure that, should the consent be implemented, that significantly less activity would occur in the yard in future than is presently the case. The intensity of the site's use would diminish, and B1/B8 uses are generally, by their nature, less harmful to amenity than scrap metal uses. Conditions could also be imposed restricting the operating hours, where there are currently no restrictions, and requiring the submission of details relating to the site's boundary treatment. Currently, the site is bounded by high fencing, the removal of which would be beneficial to the outlook of neighbouring occupiers. It is recommended that a further condition be imposed removing permitted development rights as Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows for extensions and alterations to warehouse buildings. It is considered that the approval of the Council should be sought for any future extensions or alterations to protect the amenity of neighbouring occupiers.

6.4.4 Subject to the use of the afore mentioned conditions, it is considered that the proposed change of use would result in a significant improvement on the amenity of neighbouring occupiers, and the proposal would therefore be in accordance with Policy DC61 of the LDF.

6.5 **Parking and Highway Issues**

6.5.1 Policy DC33 of the LDF stipulates the parking requirements for new development in the borough. Annex 5 of the LDF states that for B1 uses, 1 space for every 100sqm of floor area should be provided, which in this case would amount to a requirement for 4 parking spaces. However, this requirement is a maximum number; there are no minimum requirements for car parking in this case. The parking requirements for B8 uses are for a minimum of 1 lorry parking space. The submitted plans do not indicate the proposed parking spaces, although it is stated that parking would take place in the yard. It is considered that the four car parking spaces could be provided within the yard. Whilst there is room for a lorry parking space, there is no manoeuvring space for such a vehicle meaning reversing into the site from the highway or vice versa would be necessary.

6.5.2 The Highway Authority was consulted about this application and raised no objections on the basis that the proposed use would be likely to have less of an impact on the highway than the existing use in terms of vehicle movements, and no objections have been raised in relation to parking.

6.5.3 It is considered that, whilst vehicle parking at the site would not be ideal, and a lorry parking space could not be provided without the need to reverse into the highway, as the proposal would be an improvement over the existing use, it is considered to be acceptable.

6.5.4 Cycle parking spaces can be required by means of a planning condition.

7. **Conclusion**

7.1 The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC55, DC61, and DC63 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application site comprises land which has been disposed of by the Council.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:



Planning application P1578.11

REGULATORY SERVICES COMMITTEE

REPORT

22 March 2012

Subject Heading:

P1862.11 – The Lodge Care Home, Lodge Lane – Retention of “as built” extension forming high dependency dementia care unit comprising 19 bedrooms, 15 car parking space, ambulance dock and external landscaping (received 16 December 2011; revised plans received 1 March 2012)

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy
Statements/Guidance

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the retention of a high dependency dementia care unit, as an as-built extension comprising 19 bedrooms and associated facilities, together with the proposal for a reconfigured 15 parking space car park, ambulance dock and external landscaping. It represents an amendment to the approved scheme (Planning reference P0750.07) for a similar development. Staff consider that the proposal would accord with specialist housing, environment and parking/highways policies contained in the LDF Core Strategy and Development Control Policies DPD and approval is therefore recommended, subject to the satisfactory completion of Unilateral Undertaking and conditions.

RECOMMENDATIONS

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

- Development to be used in perpetuity only for the care of persons who have been diagnosed with dementia and who require high dependency care for their dementia condition
- The highways contribution of £25,000 provided in a Section 106 Agreement dated 20th July 2007 pursuant to Planning Permission reference P0757.07 which has been paid to the Council shall be retained by the Council as a Highway Contribution pursuant to this application Reference P1862.11 together with accrued interest from receipt to the date spent for the purposes of highways improvements for pedestrian crossing facilities and / or traffic calming measures in the vicinity of Lodge Lane
- Payment of the Council Legal fees in respect of consideration of the Unilateral Undertaking
- Payment of Monitoring Fees in association with each of the planning obligations as required by the Council
- That Staff be authorised to accept such an undertaking following the Heads of Terms set out above and that upon its completion planning permission be granted subject to the following conditions:
 1. Within 6 months of this approval, provision shall be made within the site for 15 car parking spaces illustrated on the submitted drawings 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 available off street in the interests of highway safety.

2. Before any of the car park development hereby permitted is commenced, samples of materials for the access road surfacing/car park surfacing shall be submitted to and approved in writing by the Local Planning Authority. It is preferable that these materials are either permeable or allow for SUDS. 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 in accordance with Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

3. Within 3 months of this approval a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. Such details shall include all trees and shall include the size and type of any new trees on planting. All planting, seeding or turfing comprised within the scheme shall, with the exception of that already undertaken, be carried out in the first planting season following completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another of similar size and species, unless otherwise agreed in writing by the Local Planning Authority. The developer/owner shall advise the Local Planning Authority in writing when the tree planting has been implemented.

Reason: To enhance the visual amenities of the development and in accordance with Policies DC60 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

4. Within 3 months of this approval, 2m high screen fencing of the same type as currently erected shall be erected in accordance with that shown on drawing No. 6993/DSP1 Rev A 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.

5. 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.

6. Within 14 days of the date of this planning permission, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

7. 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 Local Development Framework Core Strategy and Development Control Policies Development Plan Document Policy DC61.

8. Prior to the commencement of any ground-works or development in relation to the car park;

a. A site investigation shall be undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing.

b. If during development works any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.

Reason: to protect those redeveloping this site and any future occupants from potential landfill gas.

9. Prior to the commencement of the car park development hereby permitted, a revised 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 have been/are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Police 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, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD, and 7.13 of the London Plan (published 2010).

- 10 Prior to the commencement of car park development, details of any external lighting to be implemented within the scheme are to be submitted to and approved in writing by the Local Planning Authority and such approved scheme shall be implemented prior to the first occupation of the development subject of this planning permission.

Reason: For the interests of security and protection of the visual amenity to the Green Belt.

- 11 Within 3 months of this approval, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum Code for Sustainable Homes rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49.

12. Within 3 months of this approval, written details shall be submitted to the Local Planning Authority to demonstrate that the measures relating to on-site renewables, agreed under reference Q0048.09 have been successfully implemented.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50.

13. Within 3 months of this approval, a surface water drainage scheme for the site, based on the sustainable drainage principle and an assessment of the hydrological and hydro-geological context of the development, must be submitted to and approved in writing by the local planning authority. The scheme shall include an underground storage tank and the incorporation of dry swales and piped filter trenches to collect, wherever possible, rain water down pipes and selected road and parking areas. The scheme shall subsequently be implemented in accordance with the approved details within 3 months of the date those details are approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

14. Within 3 months of this approval, the weatherboarding shall be provided as a finishing surface to the flank elevation of the extension and finished in a dark stain which has been previously submitted to and agreed in writing with the Local Planning Authority. Thereafter, the weatherboarding shall be permanently retained and maintained.

Reason: In the interest of visual amenity and the character of the Green Belt

INFORMATIVES

1. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
2. In aiming to satisfy community safety condition(s), the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). The services of the local Police CPDA are 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).
3. Reason for approval:

The proposal accords with Policies CP1, DC5, DC33, DC35, DC36, DC45, DC49, DC50, DC55, DC56, DC60, DC61. DC62 and DC63 of the LDF Core Strategy Development Plan Document Development Control Policies Development Plan Document, the London Plan. On balance of all of the material considerations and the very special circumstances case promoted by the applicant to justify inappropriate development within the Green Belt it is considered that the case made is sufficient to justify the inappropriate development in the Green Belt as an exception within PPG 2 and within the reasoned justification to Policy DC45.

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 £85.00 per submission pursuant to discharge of condition is required.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the western side of Lodge Lane within an area designated as Metropolitan Green Belt.
- 1.2 Originally approved in 1996, the existing care home represented a conversion of an original derelict barn. The building is single-storey with pitched roofs and hipped ends.
- 1.3 The Care Home building with its landscaped grounds which forms the application site is separated from the remainder of the agricultural holding (also within the applicant's ownership) by fencing. At the time of the site visit the works approved in 2007 for a care home extension had been completed (albeit not in accordance with the approved scheme) although the car parking area has not yet been formed.
- 1.4 Accessed off Lodge Lane, the site is predominantly level. There are a few trees planted within the landscaped grounds.
- 1.5 The surrounding area is open to the north/north-west, west and south of the application site (including the remainder of land within the applicant's ownership) with uses appropriate to this Green Belt area. To the east on the opposite side of Lodge Lane are a mixture of 1- and 2-storey dwellings and flats within the urban area. Beyond the open land to the south of the application site is urban housing on the same side of Lodge Lane/Frinton Road. To the north along the same side of Lodge Lane/Litten Close are residential properties within the urban area.

2. Description of Proposal

- 2.1 The proposal is a resubmission following approval in 2007 and as such represents an amendment to that scheme which has been implemented in part. The proposal is for an extension to the existing residential care home to provide 19 bed spaces specifically for high dependency dementia patients with an extension to the existing car park to provide an additional 15 car parking spaces and an ambulance bay with landscaping.
- 2.2 The proposed extension has already been constructed to the west corner of the existing residential care home allowing for two internal access points / fire exits to the existing building and provides for 19 individual rooms, dining hall, separate entrance and lobby area, interview room, office and two additional rooms for staff, all surrounding a new central courtyard area.
- 2.3 The extended building is of a square footprint to the rear (west) with a smaller projection to the south which contains the lobby/entrance. The

extension is designed to match the existing building which is predominantly single-storey. A mixture of gable and hip roofs are shown, plus additional roof dormers. The southern projecting section is to be treated with timber boarding above the brick plinth.

2.4 In addition to the landscaping already undertaken 4 trees would be planted to the south of this projecting section inside a realigned fence. A pedestrian access would be formed linking the new entrance directly to Lodge Lane.

2.5 There is no proposed change to overall floorspace of 845 sq.m (excluding the internal courtyard) or the number of bed-spaces (19) in relation to the approved scheme. The main differences from the approved scheme are:

- the reconfiguration of the room layout from a square with two projections each to the west and south elevations to one larger projection to the north-west (one larger lounge area as a direct replacement for the two smaller lounges) and to the south adjacent to the proposed entrance, with a direct relocation of 4 bedrooms (approximately 90 sq.m)
- the reconfiguration of the parking area from 5 separate bay areas to a larger more compact arrangement in a single 12-space parking court with a separate 3 space bay
- reduction in parking spaces from 19 to 15
- retention of more existing trees to the front of the original building

3. **History:**

3.1 Substantial planning history exists and includes the following:

L/Hav 270/66 - Residential Development - Refused
L/Hav 111/69 - Residential Development - Refused
P1701.90 - Change of use from barn to old people's retirement home - Withdrawn
P1702.90 - Change of use from residential to doctor's surgery - Withdrawn
P1703.90 - Proposed golf course - Withdrawn
P0894.95 - Refurbishment of building to provide nursing home - Approved
P0123.96 - 40 bed nursing home - Approved
P1049.96 - Proposed staircase, enclose and conservatory - Approved
P1443.96 - Proposed close care units and conservatory - Resolved to approve S106 not signed
P0556.97 - Proposed additional bedroom at first floor level - Approved
P0632.98 - Proposed link to provide access between existing nursing home and approved conversion of Havering Lodge - Refused
P1285.98 - Proposed single storey bedroom link - Approved
P1050.00 - Proposed roof accommodation and dormer windows – Approved
P0757.07- Extension to the Residential Care Home to form a high dependency dementia care unit comprising 19 no. bed spaces and associated facilities, external landscaping and associated care parking spaces – Approved

4. Consultation/Representations:

- 4.1 67 neighbouring and nearby properties were notified of the application, a site notice was posted and an advertisement placed in a local newspaper.
- 4.2 1 response has been received objecting to the fact that the additional parking area has not been constructed causing on-street parking in nearby side roads. The objector considers that double yellow lines should be provided at the corner of Frinton Road to overcome this problem.
- 4.3 The London Fire and Emergency Planning Authority have written to advise that the access should comply with the Building Regulations.
- 4.4 The Metropolitan Police Crime Prevention Design Advisor has written to indicate that the proposal does not raise any additional crime risk concerns than the scheme approved in 2007, however he raises concerns and requests that suitable conditions and an informative is attached to any grant of planning permission.
- 4.5 Following their original objection to the proposal, the Environment Agency have withdrawn their objection and recommended the attachment of a suitable condition in respect of flood risk attenuation.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of the development, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and parking. Policies CP1, DC6, DC33, DC35, DC36, DC45, DC49, DC50, DC55, DC56, DC60, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are Policies 3.1, 3.17, 5.7, 5.8, 5.12, 5.13, 5.2, 6.10, 7.4, 7.6, 7.16 and 7.21 of the London Plan (2010) and PPS1 (Sustainable development), PPG2: Green Belts and PPG13 (transport).

Principle of development

- 5.2 The application site is located within the Metropolitan Green Belt where there is a presumption against new development in order to meet its aims and objectives. Guidance contained in PPG2 is that institutional uses are not an appropriate use within the Green Belt. LDF Core Strategy and Development Control Policies DPD Policy DC45 supports this presumption against new inappropriate development and as the development is inappropriate it is harmful by definition and unacceptable in principle.
- 5.3 As this development constitutes inappropriate development, the issues are therefore whether this harm and any additional harm caused through physical impact and other factors is outweighed by other material considerations which amount to the very special circumstances necessary to outweigh the presumption against inappropriate development in the

Green Belt. Before a special circumstances case is considered, other issues are considered in relation to whether any other harm is caused.

Impact in the Street Scene

- 5.4 Despite the additional footprint and loss of Green Belt land, the overall design of the new extension is in general keeping with the existing building. The architecture is based on that of the existing care home creating a development in a subservient position attached to the west/southern corner of the original building. The proposal is for the retention of the constructed building and a reconfigured parking layout, the building has been amended to provide a larger single projection to the south which accommodates both of the previously smaller projections to this elevation. This section has therefore been extended in width and provided with a gable end with light coloured paint, such that as land immediately to the south is undeveloped and bare of buildings or any significant screening, it is visible in longer views from the south of the application site and has therefore increased the impact of the extension in the streetscene. The changes to the projections to the west do not have any significant impact in the streetscene.
- 5.5 The proposal involves the provision of a new treatment of dark stained timber weatherboarding to the new visible side elevation of the southern projection together with the provision of 4 new trees. The proposal would nonetheless remains single-storey and in character with the existing building and would maintain a subservient relationship, such that together with the weather boarding which is a feature common to this area and the proposed tree screening to the south, Staff consider that this would result in an acceptable impact on visual amenity in the streetscene.

Impact on the Open Character of the Green Belt

- 5.6 Whilst the presence of the structure, the associated car parking, access and extended curtilage would have an impact upon the openness of the Green Belt, there is a judgement to be made about whether this impact would be significant or cause substantial harm to the character of the Green Belt in this location. In this particular instance Staff consider that the particular circumstances and design are such that the degree of physical and visual harm to the Green Belt may be acceptable.
- 5.7 The proposed amendments to the scheme do not, in Staff's view, represent a change to the overall impact on the open character of the Green Belt. However, the development remains inappropriate and the in principle harm caused would be sufficient to justify refusal unless a case for very special circumstances can be provided and supported.

Impact on Residential Amenity

- 5.8 There are no residential properties immediately adjoining the area covered by the extension such that Staff consider that there would be no physical impact on residential amenity. The proposal, which is an amendment to the

approved scheme, would not result in any significant increase in noise and disturbance over that previously considered to be acceptable.

Parking/Highways/servicing

- 5.9 There would be 15 parking spaces provided, totalling 28 at the care home. Annex 5 of the LDF indicates that the expected number of parking spaces would be 1 space per 4 resident bed-spaces. In relation to the extension 15 spaces would be provided for 19 bed spaces. There are 50 bed-spaces at the main care home such that for 69 bed spaces, 17 spaces would be needed.
- 5.10 Staff consider that the proposed level of parking provision would be acceptable. The proposed provision would ensure that there is reduced/minimal on-street parking and there are no objections from Highways on parking or servicing grounds.

Trees

- 5.11 The proposal would involve the planting of trees, much of which has already been effected, and the reconfiguring of the parking area would enable the retention of more trees to the front of the main care home. In relation to the southern projection 4 additional trees would be planted to screen this.
- 5.12 Staff consider that this would be acceptable.

Legal Agreement

- 5.13 The scheme is for the retention of an extension of 944 sq.m (including the courtyard area) to provide 19 dementia care beds at the existing care home. The applicants have indicated that, as previously, they are prepared to submit a Unilateral Undertaking in relation to the retention of the dementia care use of the extension and in relation to the highways contribution.
- 5.14 The highways contribution of £25,000 has already been paid. Nonetheless it has not yet been spent and it is appropriate the Unilateral Undertaking recognises that the amount must be tied to an implemented scheme.

Special Circumstances Case

- 5.15 PPG2 and the LDF require a very special case for allowing the proposed use, or any other inappropriate developments for that matter, to be constructed within the Green Belt. Members therefore need to consider carefully whether the 'very special circumstances' indicated by the applicant provide sufficient case to outweigh any harm to the Green Belt in principle or physically, arising from the proposed extension to the existing residential care home for high dependency dementia units into an area of previously undeveloped Green Belt land.

- 5.16 It should be recognised that the extension itself is for the most part built in accordance with the plans approved under application P0757.07 and that a special circumstances case was submitted at that time which was considered by Members to justify outweighing the in principle and other harm to the Green Belt. There has been no change to the number of bed spaces (19). The applicants have nonetheless submitted that there remains a serious shortfall of permanent and respite high dependency dementia care bed spaces in the Borough to meet current and future predicted demand which, in their view, has not altered since 2007. It is their submission that the proposal is for a revised design of this original scheme and that this provides a unique facility which enables those with low level dementia and/or other frailties to remain in the same environment even if they need to move to the high dependency dementia unit later in their old age care.
- 5.17 The case for the extension to provide a 19-bed dementia care unit was previously accepted by Members as being sufficient to outweigh the harm identified to the green belt. The proposal is for the retention of the extension of the 19-bed dementia care unit which has been constructed, albeit not in accordance with the original approved plans. Staff consider that having already agreed to the construction of the extension, that it is not necessary to reassess the special circumstances case to decide whether the constructed unit would meet the current requirements for dementia care, since the unit is already providing that care and the use is restricted through a planning obligation to dementia care provision.
- 5.18 However, for the purposes of this report, details of the case presented are identified below for information and Staff comments are updated, as appropriate.
- 5.19 The applicant previously submitted a supporting need case concluding that there was then a shortfall of 180 high dependency bed spaces within the Borough. These figures had been derived from and agreed with the Alzheimer's Society, Dementia Research UK and Havering Social Services.
- 5.20 The applicant also raised that health and longevity of the patients and continued requests from residents and relatives to spare the stress and uncertainty of the patients moving away from familiar staff and surroundings are reasons why the extension would be appropriate to be attached to the existing care home. It was argued that once a person becomes 'high dependency' with the onset of dementia and goes beyond the capabilities of the existing resources of the current care home, the patient is at present required to be relocated to an alternate location. The movement of this person disrupts the lives of the patient and creates a further risk for additional stress and in some cases premature death. The applicant indicated that the creation of additional beds within the same site is both heavily demanded and would allow for an easy transition for patients thus reducing stress levels on both patients and families in providing ongoing familiarity and care.

Staff Comments:

- 5.21 The risk of getting dementia increases significantly after the age of 80. The GLA in 2009 projected that the number of Londoners over 80 would increase by 30% in the next 30 years to 352,000 by 2031. In the 2001 Census, the number of people aged 80 and over in Havering was 12,700. As dementia is prevalent among the older population, the number of people with dementia is expected to rise. With the growing ageing population base, there remains a need for further dementia care bed spaces within the Borough.
- 5.22 In late 2011, a survey undertaken by the Council which indicates that 30 of the 34 care homes in Havering which were dementia registered reported that 609 people being cared for had a formal diagnosis of dementia although staff perceived that up to 765 did have dementia. Havering's over 80 population is above the London average.
- 5.23 This needs case however, would only prove the need for additional beds within the Borough. Extensions to existing residential homes are arguably the most efficient means of providing for such a need, as they benefit from the provision of existing services and infrastructure. This on its own was not considered previously to be sufficient to support a case for further development within the Green Belt. A further special circumstance based on health reasons has therefore been provided.
- 5.24 Havering Social Services agreed with the broad accuracy of the statements in relation to care being provided within a familiar surrounding.
- 5.25 Members are reminded that they considered that the need for bed spaces together with the argument for emotional stress to patients and relatives provided additional justification of the weight required to demonstrate very special circumstances to outweigh any harm to the Green Belt arising from the proposal.
- 5.26 The proposal has the advantage of being an extension to an existing nursing home, with the benefits of shared facilities, parking etc. Moreover, the subservient positioning of the extension and its sympathetic design would reduce its prominence and its impact upon the openness of the Green Belt. Whilst there would undeniably be some impact upon the character and openness of the Green Belt in this location and the amended scheme does extend further to the south of the original building, Staff consider that the proposal would not result in a significant increase in activity on the site, nor would it affect an area that is used by the general public as open space or of unusually high landscape quality. Under these circumstances in this particular instance it is considered, on balance, by Staff that the case put forward by the applicants provides the very special circumstances necessary to outweigh the harm to Green Belt, both in principle and physically.

5.27 Should members agree with Staff that the case for special circumstances has been demonstrated for this amendment and that permission should be granted, then, a Unilateral Undertaking as offered by the applicant would need to be entered into and appropriate conditions imposed.

5.34 The provisions of the Town and Country Planning (Consultation) England Direction 2009 requires that applications involving inappropriate development in the Green Belt should be referred to the Secretary of State where it involves a floorspace over 1,000 square metres or for any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt. In addition, the Mayor of London Order 2008 indicates that proposal with the same thresholds should be referred to the Mayor of London. The proposal would be for less than 1,000 sq.m (944 sq.m – total including the internal courtyard) and Staff judge that the proposed amended scheme would have no greater impact than that already approved/mainly constructed and that the amendments to that scheme do not, of themselves, have a significant impact on the openness of the Green Belt.

6. **Conclusions**

6.1 It is considered that the proposal would not be acceptable in principle but that the very special circumstances are sufficient to outweigh the in principle harm arising. Providing works are undertaken to introduce more appropriate materials and the four trees to the realigned southern boundary within a reasonable time, it is considered that the scheme would not result in any significant harm to visual amenity in the streetscene or have any impact on residential amenity and that it would provide sufficient parking provision. It is therefore considered that it would be in accordance with Policy and Staff therefore recommend that planning permission be granted. Judgement has been made in relation to the impact of the revised scheme in the streetscene and Members may place different weight on this, nonetheless Staff consider that the proposal would be acceptable.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 Legal resources are involved in finalising the terms of the unilateral undertaking.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

- 10.1 The Council's planning policies are implemented with regard to Equalities and Diversity. This proposal targets that part of the community in need of special care facilities.

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 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

22nd March 2012

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Page No.	Application No.	Ward	Address
1-10	P1139.11	Upminster	Four Oaks, The Chase, Upminster
11-16	P1668.11	Squirrels Heath	Land rear of 5 & 7 Northumberland Avenue, Hornchurch
17-27	P1707.11	Mawneys	Former Hainault Service Station, Eastern Avenue West,

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REGULATORY SERVICES COMMITTEE

22nd March 2012

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P1139.11	
WARD :	Upminster	Date Received: 29th July 2011
ADDRESS:	Four Oaks The Chase Upminster	
PROPOSAL:	Demolish existing dwelling and replace with a new two storey dwelling with attached triple garage. Revised plans and Design & Access Statement received 25-01-2012	
DRAWING NO(S):	site location plan existing floor plans existing elevations TP01 B TP02 C	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The site lies to the east of The Chase and is situated within the Metropolitan Green Belt. The site also forms part of the Cranham Conservation Area and lies directly north of All Saints Church and comprises a detached two storey dwelling with attached garages. To the rear is a swimming pool and detached outbuilding with open garden, bound by mature trees. Ground levels alter across the site, rising up from the public highway to the boundary lines of trees and slope down from the road frontage approximately 50m into the site.

The front of the site is screened with a line of trees situated on a bank by the highway. The rear of the site backs onto open farm land, which also forms part of the Green Belt.

The Chase is lined with dwellings along the eastern side, just north of the property; to the south is All Saints Church, Cranham Hall and the converted Cranham Mews which now provides 10 residential dwellings.

DESCRIPTION OF PROPOSAL

Permission is sought for the demolition of the existing dwelling and for the erection of a two storey, detached dwelling with double garage block.

This would measure 21.4m wide, 13.4m deep (including the front projection) and 8.7m high to the ridge.

At ground floor there is a triple garage, utility, kitchen/ living room and two other reception areas. At first floor there 5 bedrooms, 3 bedrooms and dressing rooms.

The property is finished in an arts and crafts style with facing brickwork, feature chimney, tile hanging and timber windows.

This application runs with C0002.11 - Conservation area Consent for the demolition of the existing dwelling.

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RELEVANT HISTORY

ES/HOR/402A/59 - construction of a dwelling house and garage - granted.

L/HAV/1140/69 - additional garage - granted.

2303/80 - first floor extension for store - granted

P1273.06 - Hard surface tennis court with 2.75m high perimeter fencing within garden area refused

P1897.07 - Hard surfaced tennis court - refused.

P1685.10 - 1m high boundary fencing - approved.

E0020.10 - Certificate of Lawfulness for existing and continued use of land previously classified as agricultural land being used as domestic and residential garden - approved.

P1058.11 - hard surfaced tennis courts - approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 7 properties. One letter of support was received from the board of directors for Cranham Hall Mews. A site notice was displayed advertising a development within the Cranham Conservation Area and Metropolitan Green Belt.

Representations from the Council's Heritage Officer recommend approval of the application.

The London Fire Brigade and London Fire and Emergency Planning Authority raise no objections.

Environmental Health would require the submission of a Phase 1 land contamination report.

The Crime Prevention Design Advisor has no objections.

RELEVANT POLICIES

PPS3, PPS5, PPG2 and Policies DC45, DC61, DC68 of the LDF Core Strategy and Development Control Policies DPD are considered relevant. The adopted Residential Design SPD, Heritage SPD and Cranham Conservation Area Management Appraisal are also considered relevant.

Policies 7.8, 7.17 of the London Plan 2011 are also considered relevant.

STAFF COMMENTS

The issues for Staff to consider relate to the impact a replacement dwelling would have upon the character of the Cranham Conservation Area, openness of the Metropolitan Green Belt, amenity of neighbouring residential properties, highway and parking.

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. In principle, replacement dwellings in the

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Green Belt can be acceptable.

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.

Staff raised concern with the initial set of plans and the applicant has sought to address this with a revised scheme. Amended plans have been received which make the following changes:

- Repositioning of the dwelling 2m rearward and 10m inset from the northern boundary.
- Omission of one garage (now two) and front canopy.
- Alteration to front entrance to create double doors.
- Change in roof design to omit the half hips
- Reduction in height from 9.4m to 8.7m.
- Reduction in height of the garage block from 7m to 6m.

GREEN BELT IMPLICATIONS

Paragraph 3.6 of PPG2 states that replacement dwellings need not be inappropriate in the Green Belt, provided that the new dwelling is not materially larger than the dwelling it replaces. With this, LDF Policy DC45 states that replacement buildings in the Green Belt will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

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.

The original dwelling was approved with a single garage. This dwelling has been extended previously under reference L/HAV/1140/69 for a garage and 2303/80 for a first floor extension. The volumes of these extensions must be included within the 50% increase over the original dwelling, as they are not original to the dwelling.

The applicant has stated that the new proposed volume increase over the original dwelling is approximately 94%. This includes the existing garage and extensions which have been classed as original. The original plans for the dwelling and extensions were not available at the time of writing this report, and Staff consider that the volume increase would be well over 100%.

As the proposed volume is more than 50% over and above the original dwelling and is therefore contrary to DC45, the proposals are therefore unacceptable in principle and very special circumstances are required to justify the development.

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Very Special Circumstances Case

The application has submitted a very special circumstances case which centres on a revised design of the property which seeks to be more in-keeping with the Conservation Area, setting in the Conservation Area and landscaping to the property which contribute to the setting of the dwelling and improved sustainability though achieving Life Time homes for example. These will be discussed in turn later in the report.

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. North of the church lies the application site, a large detached dwelling set on the northern boundary, surrounded by open gardens and mature boundary trees. Adjacent dwellings north of the application site The Old Rectory and Rectory Cottage are screened by mature trees and set back from the highway.

In terms of visual amenity, The Chase streetscene is dominated by a heavy line of trees. The application property is visible from the streetscene but is partially screened by mature trees. The large areas of hard standing to the front of the property are finished in a dull brick. The dwelling itself is finished in a mixture of facing brick, painted render panels with a shallow pitched roof over with UPVC windows/ doors and garage doors. The garages with flat roof dormers are also uncharacteristic of the rural locality, typified by (now converted) farm buildings and historic properties and are far more suburban in appearance. The property however, is set back from the highway and is considered to be of a neutral contribution within the Conservation Area. The associated gardens of this dwelling are also partially visible from the streetscene; these are considered to make a positive contribution to the Conservation Area.

The existing dwelling is discordant with the vernacular rural collection of historic buildings in the locality and Staff would encourage a redevelopment scheme of the property to provide a house which reflects its historic and rural setting. Staff consider that a redevelopment and therefore improvement to the site and wider Conservation Area would be three fold 1) with an improved design 2) setting of the dwelling in the Conservation Area and 3) landscaping. It is these which form the applicants submitted very special circumstances case.

With regard to the design of the building the proposed plans show an arts and crafts style property which makes use of facing brickwork, tile hanging, hardwood windows and handmade peg tiles. These materials (subject to the submission of samples to ensure appropriate colour and texture) are considered acceptable and that they would reflect the surrounding grain of buildings.

1. Design

The dwelling is substantially larger than the existing, being deeper and taller. It is presented with a two storey front projection with gable timber detailing and symmetrical window layouts. There is additionally a recessed garage block.

Staff consider that this would be acceptable for the locality, where there is a variation in architectural styles. The revised plans reduce the height of the main ridge from 9.4m to 8.7m. This represents an increase of 0.9m of the existing dwelling. The single chimney remains the

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same height as before at 9.7m, however, due to the reduction in height of the roof and provision of full hips, rather than bulky half hips, now appears far more prominent on the dwelling, and therefore better represents this style of architecture and appears a positive feature in the roofscape.

The applicant has made reference to the design of the roof bearing resemblance to the adjacent property The Old Rectory, however, that property is set much further back from the highway and is of a different proportion with much taller, pronounced chimneys and variation in the roof form with the inclusion of a much larger gable front and hipped front projection with oriel window and front entrance canopy. These features successfully reflect the arts and crafts style.

The revised plans omit the third garage set within the main dwelling and front projecting canopy. This dwelling is now arranged with a feature front elevation with feature projecting two storey gabled projection. The garage block as a whole has been recessed behind the front elevation and has been reduced in height by 1m. This reduction in height and recessed location means that it appears as a subservient extension to the property.

The two storey gable projection remains the same as per the original drawings, however, it now has much greater emphasis and prominence on the front elevation due to the amended roof design. Staff consider that this arrangement now is far more successful, which replicates the strong trademark gable design features as found within this style of architecture. The double doors also define a stronger entrance and draw the eye to the centre of the dwelling.

The design of the dwelling is one which would make the most immediate impact to the Conservation Area, it is considered that the proposals here of a high quality, which would preserve and enhance the character and appearance of the Cranham Conservation Area. The proposals would also make use although of good quality materials, which are very much supported within the adopted Heritage SPD.

Staff consider that the design is well balanced and sympathetically reflects the Arts and Crafts influences. However, it does represent a significant increase in volume over normally permitted within DC45. Staff note that the existing dwelling benefits from permitted development rights, and that in order to further justify this development, all development rights (classes A-E) should be removed by way of condition.

2. Setting

With regard to the setting of the building, the original dwelling was built away from the sites boundaries. An extension comprising an additional garage has shifted the bulk and mass of this property adjacent to the northern boundary, where it currently appears bulky and discordant from the spacious setting of surrounding properties.

The proposal seeks to demolish the existing building and garages, the revised plans submitted show that the replacement dwelling would be relocated 10m from the northern boundary shared with The Old Rectory and set 2m further rearward from the highway to give it a more central location within the plot boundaries.

Staff consider that a relocation of the dwelling is of a significant improvement over the existing layout. The current dwelling is visible from the highway due to the opening in the tree screening which forms the access drive. The relocation of the dwelling 10m to the south would clear the access drive and be positioned centrally within its plot and be screened by existing boundary tree cover. The creation of the gap from the boundary would allow for open views down the site

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from the highway. This in turn, would reinforce the rural and isolated character of the Cranham Conservation Area.

The 2m set back into the site eastwards would increase the distance of the dwelling to the highway to a minimum of 20.6m This would remain forward of The Old Rectory, however, Staff consider that this staggered arrangement would be acceptable given the rural unplanned character of the The Chase.

Directly to the south is All Saints Parish Church, a Grade II listed gothic style church. This is the focal point of the Cranham Conservation Area and its surrounding landscaping is of significant value. The replacement dwelling is not considered to result in harm to the setting of this church due to the separation distances and significant boundary screening.

3. Landscaping

With regard to the landscaping of the property, the existing site has two vehicular accesses which lead to a large area of hard standing (approximately 350 square metres) which provides car parking to the front of the dwelling. This large area of hard standing, combined with the materials (red and grey brick), detract from the rural setting of the locality and dwelling by providing a hard, suburban appearance.

The plans do not state that there would be a reduction in hard standing; but that the area would be resurfaced. Staff consider this would be an opportunity to achieve an improvement in the appearance of the front garden area in a finish more sympathetic to the rural character of The Chase. It is considered appropriate that details of hard surfacing are requested by way of condition and a hard landscaping plan.

The relocation of the dwelling 10m from the boundary would create a side garden. This would be soft landscaped and allow for a greater appreciation of the existing boundary trees, which at present are screened by the existing bulk of the dwelling.

In all, Staff consider that the design of the proposed replacement dwelling would be of a high quality, and complementary to the character of the Cranham Conservation Area. Its relocation centrally within the site would allow for open views down the site towards the open Green Belt to the rear and screen the dwelling from view by the surrounding Oak trees to the front. The very special circumstances case is therefore considered sufficient to justify this development.

IMPACT ON AMENITY

The dwelling is to be relocated 10m from the boundary shared with The Old Rectory, in place of the existing dwelling which is built up against the boundary. Staff consider that this would result in an improvement on the spatial relationship between the two dwellings. It is further considered that the increase in height would not be harmful and there are no north facing first floor flank windows which would overlook this property.

The 2m set back from the existing dwellings positioning is considered acceptable, as the dwelling would remain positioned forward of The Old Rectory.

There is a first floor flank window serving the hallway facing south, this however, would look across the gardens and raises no concerns.

With regard to garden layout, the Residential Design SPD states that amenity areas should be

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provided in single enclosed blocks which benefit from reasonable levels of sunlight and shade. The garden layout would remain as existing, to which Staff raise no objections.

HIGHWAY/PARKING

There would be no highway or parking implications.

SUSTAINABILITY/ENERGY EFFICIENCY

Sustainability

The applicant has indicated that the replacement dwelling would make use of recycled materials and would incorporate solar panels within the roof space to the rear.

The integration of sustainable materials and building techniques is encouraged, and staff request that details of the solar panels, including their projection and fixing to the roof are dealt with by condition. These panels are located to the rear elevation and therefore not visible from The Chase.

KEY ISSUES/CONCLUSIONS

The dwelling is materially larger than the original dwelling it replaces and is therefore contrary to Policy DC45. However, the applicant has submitted revised plans which form part of a presented very special circumstances case comprising of three elements design, setting and landscaping.

Staff consider that the proposals would be of a high quality, reference an appropriate style of architecture and make use of high quality materials.

The dwelling has been repositioned so that is set further back and centrally within the plot, this allows for views down the site, and also means that the dwelling would be screened from the highway due to the landscaping.

It is considered that the dwelling would be of an acceptable relationship with surrounding dwellings, provide acceptable garden layout and have no adverse impact within the existing highway or parking situation.

Planning permission is recommended to be approved in this instance.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC11 (Landscaping)
3. SC32 (Accordance with plans)
4. SC45A (Removal of permitted development rights) ENTER DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent revisions Article 3, Schedule 2, Part 1, Classes A, B, C, D, E or F no extensions, roof extensions or roof alterations or hardstanding shall take place and no outbuildings or other means of enclosures shall

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5. SC46 (Standard flank window condition)
6. SC62 (Hours of construction)
7. SC78 (Secure by Design)
8. 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) tile hanging
 - e) bricks
 - f) hardsurfacing/ driveway

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.

9. Non standard condition
The roof lights permitted shall be in a conservation style, fitting as flush to the plane of the roof as possible.

Reason:-

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

10. Non standard condition
Prior to the commencement of development, details of the photo voltaic panels, including fixings and their projection from the roofslope shall be submitted to and approved in writing by the Local Planning Authority.

Reason:-

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

11. 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

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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.

- 1 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC53, DC55, DC61, DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document. Staff consider that the proposals submitted present a sufficient very special circumstances case, to justify a development not in accordance with Policy DC45.

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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- 2** In aiming to satisfy condition 10 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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APPLICATION NO:	P1668.11	
WARD :	Squirrels Heath	Date Received: 3rd November 2011
ADDRESS:	Land rear of 5 & 7 Northumberland Avenue Hornchurch	
PROPOSAL:	New detached dwelling revised plans received 18-01-2012	
DRAWING NO(S):	57-01c 57-02c 57-02d	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

Councillor Oddy has called the application in on the grounds of the level of local interest the application has attracted.

SITE DESCRIPTION

The site is an irregular shaped former allotment located at the rear of no.s 5 and 7 Northumberland Avenue, Hornchurch fronting onto Westmoreland Avenue. It has an area of 490sqm. Numbers 5 and 7 Northumberland Avenue are a pair of two-storey semi-detached residential properties. The application site is larger than that which formed the basis of previous planning applications for the subject property. This is by virtue of the inclusion of a parcel of land approximately 20.0m in length by 5.0m in width, at the north east of the site, close to Westmoreland Avenue. This is formerly comprised part of the rear of 9 Northumberland Avenue.

Northumberland Avenue is characterised by mixed residential development, while Slewins Lane to the west of the site and Westmoreland Avenue are characterised by mainly detached residential properties, including a mixture of one and two storey semi detached and detached dwellings.

Westmoreland Avenue comprises a brick paved surface, with verdant nature formed by a combination of street trees and significant vegetation on private properties. Timber boundary fences (from properties fronting Northumberland Avenue) are a feature of the southern side of Westmoreland Avenue, with a landscape strip including shrubs and trees on the exterior. There is no fencing on the northern side of Westmoreland Avenue, which has grassed areas in the dwelling setback areas.

There is no vehicular access to this site currently, although there is a vehicle turn-out that abuts the site. The application site is relatively level and construction of a detached dwelling has commenced.

DESCRIPTION OF PROPOSAL

The application is for the approval of a detached house, with associated car parking on the site. Works have substantially commenced on site under the guise of a previous approval (reference P1090.10)

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The current application is for a two storey detached house with a footprint of 91.0sqm. The house has gable ends, with a maximum roof height of 7.5m. The front elevation has four dormer windows, with gable ends, and the rear elevation has three flush windows in the roof space.

The application diverges from the previous approval by virtue of

- Provision of 3 exterior car parking spaces,
- Removal of the internal garage, removal of stepped setback in north east corner,
- Additional windows in rear roof,
- Additional dormer in front elevation (total 4),
- Increase in height in north-east corner above the former garage to align with the ridge height,
- No chimney.

The building is constructed in West Hoathley multi brick with Marley Double Chamber clay tiles. The dwelling is sited across the width of the site and is setback 1.0 metre from each side boundary. It will be setback approximately 7.0 metres from the front boundary.

A landscaped rear amenity area is available, measuring approximately 198sqm.

Vehicular access is proposed directly from Westmoreland Avenue. A total of three external car spaces are proposed. Two are in the north-east corner and one in the south west.

RELEVANT HISTORY

The site has an extensive planning history.

P0226.06 detached dwelling with integral garage - refused 3/4/00; appeal dismissed 6/12/06

At rear of No.7 only: P0663.07 - chalet bungalow - refused; appeal allowed 6/4/08.

P0658.04 - detached house with garage - refused 2/6/04; appeal allowed 04/04/05 (5-year permission granted)

P1090.10 Extension of time P0658.04

Q0012.11 Discharge of Conditions

CONSULTATIONS/REPRESENTATIONS

Twenty eight neighbouring and nearby occupiers were notified.

Eleven letters were received objecting to the development on the grounds that;

- the development has commenced, and is not in accordance with the original approval,
- the development is larger than originally approved,
- concerns over the removal of landscaping that existed on the site without prior approval. This has the effect of opening up longer range vistas to surrounding residential development,
- The design is not compatible with the streetscape, and is out of character with the area,
- Inadequate provision for vehicular access, and traffic implications for Westmoreland Avenue,
- Loss of amenity from overshadowing

RELEVANT POLICIES

LDF Development Control Policies DPD:

- DC3 (Housing Design and Layout)
- DC33 (Car parking)
- DC61 (Urban Design)

Design for Living Residential Design Supplementary Planning Document,
London Plan 2011:

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3A.4 (Housing Choice)

Other:

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

STAFF COMMENTS

Building work has commenced on the site and the development is not in accordance with the previously approved plans (reference P1090.10). The dwelling under construction is that which is the subject of the current application.

The issue for consideration is whether the differences between the scheme now proposed and that previously approved are so significantly different that harm is caused to the street scene or residential amenity.

The application therefore requires consideration of the current planning controls that apply to the site. An important consideration is also the views of the Planning Inspector's decision on the previous scheme approved on appeal, given the limited variation between that approval and the current application.

PRINCIPLE OF DEVELOPMENT

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

Policy CP1 of the Core Strategy and Development Control Policies DPD, 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 additional development of a new dwelling in this existing residential site. The proposal is therefore acceptable in principle and in accordance with Policy CP1. In any event, permission has been previously approved for a new house.

DENSITY/SITE LAYOUT

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.

The total size of the amenity space to be provided for the new dwelling will be approximately 198 sqm.

The amenity space for the dwelling would be towards the rear and screened from public view by means of boundary treatments and would have access to direct sunlight as it is south facing

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application introduces a new dwelling house to the rear of Northumberland Avenue, that would essentially form part of the Westmoreland Avenue street scene.

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The proposed scale of the building and the detached nature of the dwellings is consistent with others in Westmoreland Road and the surrounding area. The development will include landscaping on site and the perimeter that will assist in its integration with the streetscene.

The application is not significantly different in scale, materials, roof form to the development approved at appeal. The Inspector stated that, although different to the design of other properties in the street with the introduction of dormer windows to the front, it picks up themes such as the gable ends and hipped windows of nearby dwellings, and its height and bulk is not dissimilar to other properties in the street. It was the view of the Inspector that the proposed scale of the proposed development is compatible with the neighbouring buildings and spaces, would not be out of place within the streetscene and would maintain the open and spacious residential character of the area.

The current proposal is marginally different from the approved development. The main difference in terms of external appearance is the removal of the garage, an additional dormer window and the inclusion of the common ridge height (7.6m). It is considered that the dwelling represents an appropriate addition to the streetscape, given the nature of the surrounding dwellings that have similar features including gable end roofs, and brick exterior. The front positioning of the dwelling is appropriate given that Westmoreland Avenue is curved at this point and the dwelling will not disrupt established setbacks in the street.

Car parking in the front setback area as proposed is considered acceptable and is consistent with other parts of Westmoreland Avenue

The application is considered to accord with LDF Policy DC61 Urban Design which states that Planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

IMPACT ON AMENITY

The dwelling is located towards at the northern end of the dwellings fronting Northumberland Avenue. Given the new dwelling is generally to the north of these, with separation distance of between 25 to 35 metres the new building is not considered to be the cause of adverse amenity to neighbours. The layout of the application proposal is effectively the same as considered by the Planning Inspector (P0658.04, which was extended by P1090.10). In that instance the Inspector considered that the proposed house would be acceptable within the context of the surrounding built-up area in terms of impact upon amenity.

The current application includes windows in the rear roof. These will provide light to the rooms. However as they are flush mounted into the roof form, overlooking of adjoining gardens will not occur as the lowest part of the windows are a minimum of 1.9m above floor level.

As proposed, the application does not present the potential to impose a significant loss of amenity on adjoining neighbours

HIGHWAY/PARKING

PPS 3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. A

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parking standard of between 2 - 1.5 parking spaces per unit applies for a development of this type in Gidea Park.

The submitted site plan indicates that three car parking spaces would be provided to the front of the existing dwelling. This will replace the internal garage that was originally considered as part of the former application.

Highways have advised that access can be provided from Westmoreland Avenue. This meets the requirement of LDF Policy DC33. The landscaping of the front setback area will soften the appearance of the car parking in the front setback area.

With regard to traffic, the Planning Inspector concluded there was no justification to support the contention that the proposed development would cause some undue detriment to the safety of existing highway users. Again, it is not considered that the development would have an adverse effect upon the highway.

TREES

The site and surrounding area is the subject of a Tree Preservation Order (TPO) designed to manage the removal of vegetation and important landscape features.

During construction of the existing dwelling, vegetation has been removed at Westmoreland Avenue end of the site without prior consent being granted.. The Council's Tree Officer advises that this vegetation was not a critical component of the area and can be replaced with a significant tree in the form of a single specimen of Prunus 'pandora'. This would be in addition to the proposed shrubs and is to offset to the loss of the preserved tree which was previously unlawfully removed.

A landscape plan has been submitted however this needs amendment to include additional planting. A condition requiring an additional landscape plan is recommended to be included in any Decision Notice should the application be approved by Members.

KEY ISSUES/CONCLUSIONS

The proposal introduces a dwelling into an area that has originally been designed as a garden space. The application adequately responds to the characteristics of the site and surrounding area.

In order to achieve an additional dwelling on the site the new building would be required to be sited fronting Westmoreland Avenue. The applicants have submitted a development that is an appropriate addition to the streetscape and will not appear as a dominant overdevelopment of the site, adversely impacting on the character of the streetscene.

The application has been assessed against Council's relevant policies for new dwellings. The key aspects of the development are considered to meet the requirements of the relevant Council policies in relation to new residential development. This includes design, streetscape, on site amenity space, landscaping and car parking.

The application is considered to meet the requirements of the Residential Design Supplementary Planning Document SPD in that in terms of movement and accessibility the site can be accessed by vehicles and pedestrians easily and appropriately from Westmoreland Avenue. With regard to structure and layout the dwelling is orientated in such manner in that it will have an active frontage to Westmoreland Avenue. The setback of 7.0 metres is appropriate in the context of the street.

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The new dwelling will contribute to the enhancement of local character by adopting similar roof forms and treatment to that found elsewhere in the street. The landscaping proposed will form an important part of integrating the dwelling into the streetscape.

The requisite considerations with regard to the protection of neighbouring amenity have been met as there will be no significant over shadowing or overlooking from the dwelling. The application will not have a detrimental impact on the amenity of neighbouring properties.

The provision of car parking spaces as proposed is adequate and satisfies the requirements of Policy DC33.

The site benefits from a previous approval that was granted on appeal under reference P0658.04, with a subsequent extension of time granted under 1090.10. There is not a substantial difference between the current application and that which was considered by the Inspector, who subsequently granted permission.

For the reasons outlined within the report the proposal is considered to be acceptable and approval is recommended subject to conditions.

RECOMMENDATION

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

1. SC32 (Accordance with plans)
2. SC11 (Landscaping)
3. SC46 (Standard flank window condition)
- 3 The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Extensions and Alterations SPD and Policy DC3, DC 33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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APPLICATION NO:	P1707.11	
WARD :	Mawneys	Date Received: 11th November 2011
ADDRESS:	Former Hainault Service Station Eastern Avenue West Romford	
PROPOSAL:	Erection of part 2/part 3 storey building to accommodate 135m ² commercial space (A1/A2) on ground floor together with 7 No. flats (5 x 1 bedroom and 4 x 2 bedroom) with ancilliary parking (12spaces). Revised Plans Received 27.02.2012	
DRAWING NO(S):	3101.P.101 Rev B; -102 Rev B; -103 Rev B; -110 Rev B; -112 Rev B; -113 Rev A 3101.P.104; 49318655/0010 3101.P.111 Rev A; - 00 Rev A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site is located on the northern side of Eastern Avenue West (A12) at its junction with Hainault Road, Romford. The application site was previously occupied by a petrol station but is currently vacant land. The application site is loosely a rectangular shape and measures approximately 710 sq metres. There are 2 existing vehicular crossovers giving access to the site, one on the junction of the A12 (Eastern Avenue West) and Hainault Road and the other one at the eastern end of the site also on the A12.

The site is mainly surrounded by residential dwellings, in particular along Hainault Road. There are residential dwellings on the western side of Hainault Road to the north of the Mercedes Garage which lies opposite the junction directly west of the application site. The King George Close Industrial Estate is north/north-west of the Mercedes Garage. To the south, on the opposite side of the A12 are mainly residential dwellings with Dunelm Mill, a retail warehouse, further west along this road. There are a few commercial units further east at the junction of North Street and Eastern Avenue West.

DESCRIPTION OF PROPOSAL

This application is a resubmission following refusal of a similar scheme in 2011 and seeks full planning permission for the erection of a mainly 2-/3-storey building to accommodate 135sq.m commercial space (A1/A2 Use at ground floor) with residential above in the form of 7 flats 3x1-bed units and 4x2-bed units (previously 5 x 2 bedroom and 4 x 1 bedroom) - with 12 ancillary parking spaces and a loading area.

The building would be located to the south and west of the application site expanding across virtually the whole width of the plot. It would have a maximum height at the junction of 10.2m above ground level.

The ground floor would be provided as a single A1/A2 unit with a servicing yard to the rear/eastern side accessed from a new vehicular access onto Hainault Road with a waste/recycling store, separate areas for 10 residential and 6 staff bicycle stands and an area for post boxes. The new residential access would be onto Hainault Road.

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On 1st floor level would be 5 residential units (3x1-bed and 2x2-bed) with 2 residential units (1x1-bed and 1x2-bed) to the 2nd floor level. All of the units would be provided with at least one balcony of a minimum of 5 sq.m in area which would mainly front onto either the A12 or Hainault Road. Each flat would have a separate bathroom and an open plan living/kitchen/dining area. A communal amenity area of 42 sq.m, accessible to all flat dwellers, would be provided at second floor level.

Vehicular access to the site would be from Hainault Road. The access would be 4.1m wide (increased from previous 3.7m width). The site will provide 12 parking spaces directly against the rear (northern) shared boundary with No.44 Hainault Road and to the eastern boundary. The servicing bay would be located to the east of the commercial unit.

The general design of the building would comprise a loosely L-shaped building with its main elevation to Eastern Avenue West and wrapping round along Hainault Road. The corner feature would be the high point of the building. The proposal would be contemporary in design with flat roofs and a mixture of brown brick, white render and glazing with obscure glazed balustrade panels to balconies.

The main changes since the earlier refused scheme are:

- removal of B1 uses at 1st floor level
- reduction in the amount of "A" Uses from 411 sq.m to 135 sq.m
- reduction in scale of development
- reduction in the maximum height from 11.5m to 10.2m
- reduction in the no. of flats from 9 to 7
- introduction of servicing yard area
- increase in parking space from 10 to 12
- increase in width and relocation of the vehicular access to Hainault Road
- slight change in the mix of the residential units
- increase in the size of the residential units

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 132 adjoining occupiers and the application advertised by means of a site notice. 3 Letters of representation were received, raising objections in respect of the following:

- shortage of parking spaces
- commercial units are not needed in this predominantly residential road
- Parking already problematic on Hainault Road
- loss of privacy and overlooking
- increase in traffic in already congested area
- all the reasons previously given to refuse the scheme remain relevant

A further round of public consultation in respect of the revised plans elicited one response which reiterated previous comments.

The Council's Crime Prevention and Design Advisor states that no information has been provided with the application to demonstrate how crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes of Safer Places as required by DC63. He suggests that suitable conditions should be attached to any grant of planning permission.

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Transport for London have expressed concern regarding vehicle accesses to the A12 which would become defunct. They have asked for a condition to be attached to any grant of planning permission to ensure that they are reinstated to pavement.

RELEVANT POLICIES

Draft NPPF

STAFF COMMENTS

The main issues to be considered in this case are the principle of development, density and layout, design/street scene issues, amenity implications and parking and highways issues.

PRINCIPLE OF DEVELOPMENT

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The provision of additional housing is consistent with PPS3 as the application site is within a mixed use area with residential development directly adjacent to the north and east of the application site.

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, formerly in use as a petrol station with advertisement hoardings, within a mixed use area. The proposal is therefore acceptable in principle for residential development in accordance with Policy CP1.

LDF Policy DC2 (Housing Mix and Density) aims to ensure that a vital mix of units, sizes and tenures is provided, creating mixed and balanced communities. This is in line with Policy 3.8 of the London Plan (2011) which states that DPD policies should ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Residential development of a mix of 1- and 2-bed flats is therefore considered to be acceptable, subject to compliance with other material planning considerations.

With regards to retail development, the application site falls outside of any Local, District and Town Centres. The proposal involves the provision of a commercial unit at ground floor consisting of 135 sq.m of either A1 (retail) and/or A2 (financial and professional services) Uses. Policy CP4 states that in order to maintain the balance between the role and function of Havering's town centres, the Council will apply the sequential test to new retail development over 200 sq.m as detailed in Policies DC15 and DC19. The proposal is for commercial development below the threshold and it is considered that at this scale, the development would be acceptable in principle.

It is considered that the proposal for mixed A1 / A2 Uses with residential above would be acceptable in principle and would also contribute to the wider aims of economic development as described in Ministerial advice on "Planning for Growth" and in the draft NPPF.

DENSITY/SITE LAYOUT

Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, as this site falls within "rest of borough" a density range of 30-50 residential units per hectare is anticipated. The PTAL, according to the TfL database is 3-4, therefore a higher density may be appropriate within 50-80 units per hectare. The proposal would result in a density of 98.6 units per hectare based on a site area of

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0.071 hectares. In addition, the proposal would also involve the development of 135sq.m of A1 / A2 Use development at ground floor level. The proposal would therefore have a residential density well above the density range, nonetheless it is accepted that flatted development is likely to be of higher densities and this is a single measure and the main consideration is whether the proposal would be of a high quality of design and layout.

Policy DC4 requires that each flat should be adequately sized, self-contained and with reasonable outlook and aspect. According to The London Plan (2011), the minimum space standards for a 1-person flat should be 37 sq.m; 1-bed, 2-person flat - 50sq.m; 2-bed 3 person - 61 sq.m and the largest 2-bed 4-person - 70 sq.m. The proposal would provide a range of 1-bed and 2-bed flats; the smallest being 48 sq.m and 70 sq.m respectively. While the remainder of the flats would provide at least the minimum size, two of the proposed 1-bed, 2-person flats would, at 48 sq.m, fall marginally below the minimum size of 50 sq.m.

Notwithstanding, Staff noted on the drawings that all flats will be self contained with separate bedrooms, a separate bathroom and open plan living / kitchen area and private balcony. Staff therefore consider that the proposed internal layout is acceptable and of a sufficient size to provide quality accommodation.

The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. In this case the proposal would see the provision of 7 residential units with a commercial unit at ground level. The proposal would provide private balconies to each of the flats, the smallest being 5 sq.m and a communal amenity area at 2nd floor level of 42 sq.m. Access to the communal amenity area is available to all flats.

Staff therefore consider that the amenity space both in terms of private balconies and the communal amenity area would be private and screened from general public view and in a conveniently usable form. As a result, it is considered that the proposed amenity areas comply with the requirements of the Residential Design SPD and is acceptable in this instance.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 indicates that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. To this end proposals should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. The proposal is for a contemporary "L-shaped" mainly 2-/3-storey building with flat roofs. The surrounding area is mainly characterised by two-storey residential buildings with hipped roofs with large-scale industrial buildings / warehouse and retail warehouse units located along the A12 (Eastern Avenue West) and on the King George Industrial Estate on the opposite side of Hainault Road.

The proposal would extend up to its north-western and south-eastern boundaries at ground floor level with the first floors extending nearly the full width of the A12 frontage but leaving a gap of 4m from the boundary with No. 44 Hainault Road. The third floor would contain two flats fronting onto the A12 and the communal amenity area with a separation distance with 44 Hainault Road of 7.5m to its shared boundary. Towards its front boundary, the building would be approximately 3.8m from the back edge of Eastern Avenue West (the A12). The development would measure 10.2m in height above ground level at the corner of Eastern Avenue West and Hainault Road.

Existing development to the north-east in Rosedale Road is separated from the application site by the pedestrian subway resulting in a spacing of approximately 6m from the boundary of the

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application site to the rear boundary of No. 12 Eastern Avenue West. The proposed building would be approximately 17m from the nearest rear corner of this dwelling which is orientated at 45 degrees to the application site. The proposal would align with the existing residential properties to this side of Hainault Road. Staff consider that since much of the second floor has now been removed from this scheme, that the proposal would not result in any significant adverse physical impact on the properties fronting onto Rosedale Road or those on the opposite side of Hainault Road.

The proposal would have a limited 3-storey element which is contained at the junction. It would provide an attractive feature in the streetscene and would not result in a poor physical relationship with other existing development. Staff are of the opinion that the use of more modern materials and a contemporary flat roofed design is not in itself unacceptable in this location. Staff therefore consider there would be no adverse impact on visual amenity in the streetscene from the proposed development. Members may place different weight on this issue and conclude that the proposal would be bulky and out of character, nonetheless Staff consider that the proposal overcomes previous concerns and would meet wider aims by bringing a vacant site back into both productive and sustainable use.

IMPACT ON AMENITY

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

The most affected neighbour is at No. 44 Hainault Road. The development would extend up to the shared boundary with No. 44 at ground floor level with its first floor element being a minimum of 4m from the shared boundary. The ground floor element is a refuse store and, at a depth of just under 4m, would not extend beyond the rear of No.44. The first floor element, located some 6m from No.44's side elevation would, due to its flat roofed design, have a height of 6.2m. The flank wall to the proposed communal amenity area would be located 9m from the flank wall of No.44 and would have a maximum height of 7.6m. This part of the building would not extend beyond the tunnel back section of No.44. Staff consider that this would accord with the relevant guidance contained in the SPD on Residential Extensions and Alterations which stipulate that 2-storey rear extensions should be set in from the common boundary with any dwelling by not less than 2 metres, and should project no more than 3 metres.

The 3-storey part of the proposed development would be located a minimum of 13.4m from No.44's flank elevation. Staff consider that the proposed development would have a frontage onto the A12 and that this general arrangement would not be unusual at a junction. Given that windows to No 44 are mainly in the front and rear elevations, the proposal would not, in Staff's view and given the intervening distances, result in so significant an adverse impact on this occupiers amenities as to refuse permission on this issue alone, providing windows to the rear elevation are fitted with obscure glass and are openable only over a height of 1.7m above floor level.

No. 44 Hainault Road is to the north-west of the application site. Given the separation distances, Staff do not consider that there would be so significant an impact on current levels of daylight and sunlight as to refuse planning permission.

This proposal is for the creation of 7 flats, with retail or service uses to the ground floor (A1/A2). In view of the previous use of the site as a Petrol Station, Staff do not anticipate that traffic, both via car and foot, and general activity at and within the vicinity of the site, would increase beyond

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that generated by the previous use of the site. Staff are further of the opinion that general noise and disturbance as a result of customers entering and leaving the site and general activities as a result of the 7 flats would not be significantly over and above traffic noise generated by Eastern Avenue West (A12).

The application site is not located within any of the Local, District or Town Centres and a lower level of noise and activity would normally be expected. However, the site is not in a purely residential area and is on a major trunk road (Eastern Avenue West/A12) which gives rise to a constant level of traffic noise. The operation of a retail/financial unit during the day is unlikely, in Staff's view, to be materially harmful to residential amenity given the ambient noise levels already present in this location. Suitable conditions can be attached to any grant of planning permission to restrict opening hours.

Another form of noise which would be likely to result from this proposal is from deliveries and the associated unloading. General servicing and deliveries to the retail/financial unit is likely to occur on a daily basis. Subject to the imposition of a condition limiting delivery hours, it is considered that any noise impact arising would not be unduly harmful.

In view of the fact a tenant for the proposed commercial unit are unknown at this stage a condition can be imposed to require details of any plant and machinery such as air-conditioning units or fridge cooling systems. In order to ensure that this equipment does not result in noise nuisance the condition stipulates a standard which any such equipment must meet.

The proposal would introduce a communal amenity area at 2nd floor level some 9m from the flank elevation of No.44 Hainault Road and some 34m from the rear of No.12 Rosedale Avenue. The proposal indicates a 1.5m screen to protect the amenities of neighbouring occupiers from overlooking. A degree of landscaping can be required by means of condition such that Staff do not consider that this would result in any direct overlooking.

In terms of the amenities of future occupiers, the development would have retail/service uses within the building. With appropriate noise / sound insulation and a restriction on opening hours, it is not considered that the amenities of future occupiers would be compromised in this respect.

The proposal is located directly adjacent the A12 (Eastern Avenue West) with a large number of flats facing this highway. Staff have concerns with regards to the noise impact of Eastern Avenue West on the proposed residential development. The applicant submitted a noise survey which suggests high quality noise insulation as noise levels at those properties facing the A12 would be higher than the standards set out in PPG24. In addition, Environmental Health suggests noise insulation by means of appropriate planning conditions which should satisfy the requirements of PPG24. In light of appropriate conditions, Staff are of the opinion that noise as a result of traffic on the A12 can be dealt with sufficiently without causing harm to the amenities of future occupiers.

The proposal provides 12 parking spaces for the development as a whole with servicing vehicles using the loading bay located within the application site (but adjacent to the A12) with access from Hainault Road. Staff are of the opinion that the commercial side of the development is likely to result in on street parking for customers. However, there are no on-street parking restrictions to Hainault Road and it is likely that some parking could occur outside existing residential properties. This does need to be balanced against the employment opportunity which would be offered and Staff consider that the likely on-street parking would be mainly on the pavement edge immediately adjoining the site such that the impact on amenity would be minimised.

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Overall, the proposal is not considered to result in any significant impact on residential amenity. Members may place different weight on this issue but Staff consider that wider aims would be met and that the building itself would reduce noise from the A12 currently experienced by occupiers to this side of Hainault Road such that the amenities of neighbouring occupiers and the amenities of future occupiers would not be significantly adversely affected by the proposed development.

HIGHWAY/PARKING

The application site has a PTAL (Public Transport Accessibility Level) rating of 1-2 but according to the TLF (Transport for London) database, a PTAL rating of 3. Car parking standards contained within the LDF recommend the provision of 1.5 - 2 spaces for residential development in this area although the 3 rating indicates a range of 1-1.5 spaces. The proposal would provide 7 residential flats, requiring 10.5 to 14 spaces according to the LDF guidance.

For the shop/financial unit 1 space should be provided for each 30 sq.m. In this case, 5 spaces. The total parking standards would require the development to provide a maximum of between 15.5 and 19 parking spaces. The development provides 12 parking spaces for the development as a whole and, as such, not meet the guidance range. However, there would be a loading bay for servicing vehicles provided and there are 16 cycle parking bays. This together with the fact that 4 of the flats would be one-bedroom and that Highways have no objections to the scheme, Staff consider that this shortfall would not be unacceptable.

DC36 seeks to ensure that new developments makes adequate provision for servicing. A loading area would be provided to the rear (east) of the proposed commercial unit which is considered to be acceptable.

Transport for London have requested that in the interests of highway safety that the applicant reinstates the existing dropped kerbs to the A12 to pavement. A suitable condition can be attached to any grant of planning permission.

LDF Policy DC35 seeks to ensure that cycle parking is provided by applicants in order encourage sustainable forms of transport. In this case, the applicant has made provision for 10 cycle stands at ground level for the residential units and a further 6 spaces for use by the commercial unit. The provision of cycle stands is considered acceptable in this instance, subject to details being provided for security.

OTHER ISSUES

Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the submitted plans show a separate building for waste and recycling. Staff are of the view that this arrangement is acceptable however further details could be secured via planning condition, i.e. a waste management plan.

No information has been provided with the application to demonstrate how crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes of Safer Places as required by DC63. A suitable condition will be attached to any grant of planning permission.

KEY ISSUES/CONCLUSIONS

In conclusion, the proposal for a residential redevelopment is considered acceptable in principle

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at the application site. In addition, given the limited scale of the proposed commercial use, it is considered to not result in any substantial harm to the existing shopping hierarchy.

While a matter of some judgement, Staff consider that the proposed development would have an acceptable impact on visual amenity in the streetscene and on residential amenity of adjoining occupiers. Staff also consider that the car parking, cycle and servicing provision would be at an acceptable level as to not cause harm either to residential amenity or highways safety in respect of possible on-street parking.

Members may place different weight on the planning issues, nonetheless Staff consider that the proposal would result in a development which provides employment opportunities as well as residential accommodation which meet wider both objectives and that the proposed development would not result in any significant harm.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. S SC06 (Parking provision)
3. M SC09 (Materials)
4. M SC11 (Landscaping)
5. M SC13 (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, 2 metres (6ft. 7ins.) high shall be erected on the rear and side boundaries, 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. S SC32 (Accordance with plans)
7. S SC40 (Soundproofing)

The buildings shall be so constructed as to provide sound attenuation of not less than 45 DnT,WCtr d.B (A) against the internally generated noise to the satisfaction of the Local Planning Authority.

Reason:-

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

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8. SC46 (Standard flank window condition)

9. SC57 (Wheel washing)

10. SC27 (Hours of use) ENTER DETAILS

The ground floor commercial premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 20:00 on Mondays to Sundays unless otherwise agreed 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.

11. SC42 (Noise - New Plant or Machinery) ENTER DETAILS

12. SC48 (Balcony condition)

13. S SC58 (Storage of refuse)

14. M SC59 (Cycle Storage)

15. M SC60 (Contaminated land)

16. M SC62 (Hours of construction)

17. M SC63 (Construction Methodology)

18. Non standard condition

Windows to the northern and eastern elevations shall be fitted with obscure glazing and shall be fixed shut upto a height of 1.7m from the internal finished floor level.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

19. Non standard condition

No development shall take place (except for works to construct the access required by this condition) until vehicular/pedestrian/cycle access from the public highway has been provided in accordance with the approved plans.

Reason: In the interests of users of the public highway in accordance with Policy DC32 of the LDF Core Strategy and Development Control Policies DPD.

20. Non standard condition

Prior to first occupation the existing vehicle accesses shall be reinstated in accordance with details to be submitted to and agree in writing by the Local Planning Authority. The developer shall enter into a Highways agreement under S278 of the Highways Act to ensure that the existing vehicular accesses onto the A12 Eastern Avenue West are reinstated to pavement.

Reason: In the interests of vehicular and pedestrian safety on the highway.

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- 21.** Non standard condition
The necessary agreement, notice or licence to enable the proposed alterations or additions to the Public Highway in relation to the proposed new access to Hainault Road 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.
- 22.** Non standard condition
Clear and unobstructed pedestrian visibility splays shall be provided to the satisfaction of the Local Planning Authority 2.1m wide and 2.1m deep either side of the new access onto Hainault Road. The approved splays lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.
Reason: In the interests of Highway safety.
- 23.** Non standard condition
Secure 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 can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

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

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC13, DC16, DC32, DC33, DC36, DC37, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment)(England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.
- 5** Thames Water:Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a

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combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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REPORT

Subject Heading:

Proposed variation of Section 106 agreement in connection with planning permission P0206.10 Former Build Centre, Rushdon Close, Romford:

Redevelopment to provide 74 affordable residential units, together with associated landscaping, children’s play space, refuse stores, access road and parking

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy
Statements/Guidance

Financial summary:

None

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

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

SUMMARY

This report relates to proposals for residential development for 74 affordable residential units on land at Rushdon Close, Romford. The site has the benefit of planning permission (under planning reference P0206.10) subject to a Section 106 legal agreement. The Section 106 agreement obligates the owners to provide 52 of the units as affordable housing for social rent and 22 for intermediate ownership.

A request has been made to the Council to vary under Section 106A of the Town and Country Planning Act 1990 the legal agreement to amend the definition of 'social rent' to read 'social rent, affordable rent and such other rent as agreed between the parties hereto'.

This variation is in addition to that previously agreed by Regulatory Services Committee in relation to planning application reference P0063.11.

RECOMMENDATIONS

It is recommended that the variation of the Section 106 agreement dated 2 August 2010 as varied by a Deed of Variation under Section 106A pursuant to planning permission reference number P0063.11 to be entered into on even date (the same day) as this proposed Deed of Variation to change the definition of social rent to that set out below under Section 106A of the Town and Country Planning Act (as amended), be approved:

The variation of the term "Social Rent" to read "Social rent or affordable rent," in accordance with PPS3 Housing June 2011.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed.

Save as varied above the Section 106 agreement dated 2 August 2010 shall remain in full force and effect.

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. The site to which this proposal refers is the Former Build Centre, Rusdon Close, Romford. The site has planning permission for residential development of 74 affordable housing units (under planning permission reference P0206.10). Permission for the development was granted subject to a number of planning conditions, as well as a Section 106 legal agreement signed and dated 2 August 2010.
2. Subsequent to the granting of planning permission under application P0206.10, an application was made for amendments to this permission (under planning reference P0063.11) to re-design a flatted block within the development. This application was considered by Regulatory Services Committee on 27 October 2011, when it was resolved to grant planning permission subject to conditions and a Deed of Variation to the 106 legal agreement so that it would be tied to the development proposed under application P0063.11. Although there is a resolution to approve, the Deed of Variation has not yet been completed and the original planning permission (and Section 106 Agreement) remains the substantive permission for the site. It is the applicant's intention to complete a Deed of Variation in respect of planning application P0063.11 at the same time as the currently proposed Variation.
3. In addition to affordable housing matters, the legal agreement includes the requirement to pay a highways and education contribution and prevents residents of the development from applying for parking permits. In respect of affordable housing provision, the legal agreement requires the provision of 74 units as affordable housing, of which 52 are for rent and 22 for intermediate housing. The agreement contains a definition of what constitutes 'social rent'.
4. It is now proposed to vary the Section 106 agreement dated 2 August 2010 so that the definition of rented accommodation is changed from the term "social rent" to read "Social rent, affordable rent, and such other rent as agreed between the parties hereto".
5. Staff consider the proposed changes to the tenure mix to be acceptable. The provision of a 100% affordable housing development would accord in principle with Policy DC6 and the proposed tenure mix would continue to achieve a 70:30 between rented units and intermediate housing types. However the proposal would not create "social rented" units as referred to in Policy DC6, although it would replace 'social rent' with other models, including 'affordable rent'. This is in accordance with PPS3 (June 2011) definitions of affordable housing and so is considered to be acceptable in

principle. An Executive decision has already been taken by the Council's Housing Service to support a conversion of tenure within the development from social rent to affordable rent.

6. The Executive Report has made this decision for the following reasons:

- The Government has introduced a new affordable housing tenure known as affordable rent. This new tenure is primarily different from the existing tenure of social rent in that gross rental levels may be up to 80% of private sector market rents. This policy change enables the Homes and Communities Agency (HCA) to fund the building of affordable homes with lower amounts of capital grant alongside this increased revenue stream.
- By contrast, under the social rented model rents around around 50-60% of the local market model and require up to four times more capital grant per dwelling.
- Havering supports 80% Market Rents for new Registered Provider development but they should be limited to no more than half of those dwellings becoming vacant.
- The relevant Housing Association has indicated there is little opportunity elsewhere to achieve such conversions
- The relevant Housing Association contributes a significant proportion of affordable housing provision within the Borough and support for this request from the Council will demonstrate a strong commitment to partnership working

7. The proposed change to the tenure mix would not change the number of units or bedrooms within the development. It is not therefore considered that there would be any material affect on the development as approved in terms of layout or design.

8. Staff have considered whether the proposed change to the tenure mix would materially affect the transport and education contributions, which are secured through the S106 agreement or the restriction on obtaining parking permits. The proposed change in tenure mix would not materially change the highway implications of the development or the calculations for the education contribution.

9. **Conclusion**

9.1 Staff consider that the proposed variation of the S106 agreement to convert the tenure from social rent to include affordable rent to be acceptable and in accordance with the provisions of PPS3. It is therefore recommended that the variation of the legal agreement in respect of the tenure mix is approved.

IMPLICATIONS AND RISKS

Financial implications and risks:

No implications

Legal implications and risks:

Legal resources will be required for the variation of the 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. The proposal will assist in the provision of affordable housing within the Borough and contributes to the Council's equality objectives by providing accommodation tailored towards the specific needs of Borough residents.

BACKGROUND PAPERS

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