



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
19 July 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:

Richard Cursons (01708 432430)

E-mail: richard.cursons@havering.gov.uk

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF PECUNIARY 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 any pecuniary interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 14)

To approve as a correct record the minutes of the meetings of the Committee held on 17 May & 7 June 2012 and to authorise the Chairman to sign them.

5 P0576.12 - LAND AT BOTTOM OF GARDEN AT 125 & 127 HAVERING ROAD, ROMFORD (Pages 15 - 28)

Report Attached

- 6 P0585.12 - LAND AT NO. 65 GUBBINS LANE, HAROLD WOOD** (Pages 29 - 52)
Report Attached
- 7 P0463.12 - 203 CROW LANE ROMFORD** (Pages 53 - 62)
Report Attached
- 8 P0452.12 - 12 ABERCROMBIE HOUSE HAROLD HILL** (Pages 63 - 72)
Report Attached
- 9 P0412.12 - FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD** (Pages 73 - 92)
Report Attached
- 10 PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 93 - 142)
Application reports outside statutory limit
- 11 PLANNING CONTRAVENTION - 72 CROW LANE** (Pages 143 - 150)
Report Attached
- 12 PLANNING CONTRAVENTION - ASHLEA VIEW, TOMKYN'S LANE** (Pages 151 - 158)
Report Attached
- 13 PLANNING CONTRAVENTION - 624 UPPER BRENTWOOD ROAD, ROMFORD** (Pages 159 - 164)
Report Attached
- 14 URGENT BUSINESS**
To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

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

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
17 May 2012 (7.30 - 8.30 pm)**

Present:

COUNCILLORS: 10

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group +Pat Murray

**Independent Residents
Group**

Apologies were received for the absence of Councillors Sandra Binion, Paul McGeary and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Sandra Binion) and Councillor Pat Murray (for Paul McGeary)

Councillors Andrew Curtin and Osman Dervish were also present for parts of the meeting.

18 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.

322 **DECLARATION OF INTERESTS**

Councillor Ron Ower declared a prejudicial interest in application P0393.12. Councillor Ower informed the Committee that he was a personal friend of the applicant. Councillor Ower left the room during the discussion and took no part in the voting on that item.

323 **P0303.12 - 47 TENNYSON ROAD - CHANGE OF USE FROM CLASS A2 TO A1 WITH OPENING HOURS BETWEEN 6.30AM AND 8PM ON MONDAYS TO SATURDAY, 7AM TO 7PM ON SUNDAYS AND 10AM TO 6PM ON BANK AND PUBLIC HOLIDAYS**

Officers advised members of the Committee that this application had been withdrawn by the applicant prior to the meeting.

324 **P0393.12 - 311-313 COLLIER ROW LANE ROMFORD - VARIATION OF CONDITION 18 OF P1557.11 TO EXTEND TRADING HOURS FROM 08.00-21.00 MONDAYS TO SUNDAYS AND BANK HOLIDAYS TO 08.00-23.00 MONDAYS TO SUNDAYS AND BANK HOLIDAYS**

The report before members detailed an application that sought to vary condition 18 of P1557.11 to extend trading hours from 08:00 to 21:00 Mondays to Sundays and Bank Holidays to 08:00 to 23:00 Mondays to Sundays and Bank Holidays.

Members were advised that four letters of representation had been received.

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

With its agreement Councillor Osman Dervish addressed the Committee. Councillor Dervish commented that the application site lacked sufficient parking and asked that the Committee considered this when making its decision.

During a brief debate members discussed other local businesses that had recently been granted similar trading hours to those contained in the application.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an amendment to condition 2 stipulating that the premises close at 21.00 hours on Sundays and Bank Holidays.

As stated at the beginning of the minutes, Councillor Ron Ower declared a prejudicial interest in the application. Councillor Ower informed the Committee that he was a personal friend of the applicant. Councillor Ower left the room during the discussion and took no part in the voting on that item.

325 **P0295.12 - QUADRANT ARCADE, MARKET PLACE - EXTENSION TO THIRD FLOOR, ALTERATION TO WINDOW ON SIDE ELEVATIONS AND CONVERSION OF FIRST, SECOND AND THIRD FLOOR FROM RETAIL AND OFFICE USE TO FORM A 65 BEDROOM HOTEL.**

Members considered a report that detailed an application for planning permission for an extension to the third floor of the building, alteration to window openings and the conversion of first, second and third floor from retail and office use to form a 65 bedroom hotel.

It be noted that should Planning Permission be granted a Mayoral Community Infrastructure Levy payment of £4,440.00 would be payable.

With its agreement Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that he welcomed the proposal as the application would create local jobs and that the developers were keen to restore the façade of the building to its original form. Councillor Curtin asked that the Committee considered granting planning permission.

During the debate members discussed a previous application (hostel) that had been before the Committee and asked officers for confirmation that the new application was for a hotel and not a hostel. Officers confirmed that the application was for a hotel.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

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

326 **P0247.12 - 19A SEYMER ROAD - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 1 DETACHED TWO STOREY BUILDING COMPRISING OF 3 ONE BEDROOM FLATS**

The application seeks permission for the demolition of a British Red Cross Hall and garage and the construction of a detached two storey building comprising of three 1 bedroom self-contained flats.

Members noted that two letters 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 the debate members discussed streetscene and parking issues together with the location of a telecommunications cabinet that situated to the front of the site.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an informative highlighting that the first frontage parking bay would be obstructed by a highways telecoms cabinet.

327 **P0245.12 - 57/65 LONDON ROAD, ROMFORD - PROPOSED CHANGE OF USE TO CONVERT THE FIRST FLOOR AREA OF THE SHOP FROM STORAGE TO 3, ONE BEDROOM FLATS**

The Committee considered the report and without debate, **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

It be noted that should Planning Permission be granted a Mayoral Community Infrastructure Levy payment of £3,340.00 would be payable.

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 in the report.

The vote for the resolution was carried by 9 votes to 0 with 1 abstention. Councillor Fred Osborne abstained from voting.

328 **P0324.12 - 41 WHITE HART LANE, ROMFORD - CHANGE OF USE OF THE GROUND FLOOR OF THE PREMISES TO TANNING SHOP (SUI GENERIS).**

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

329 **P0312.12 - THE EARLES, BROXHILL ROAD - REMOVAL OF EXISTING CARPORT, ALTERATION TO FRONT ELEVATION AND CONVERSION OF GARAGE. THE CONSTRUCTION OF A TWO STOREY REAR EXTENSION, AND AN EXTERNAL DECK AREA AND A DETACHED GARAGE.**

The Committee considered the report and, without debate, **RESOLVED** that the application was unacceptable as it stood, but would be acceptable subject to applicant entering into a Unilateral Undertaking to secure the following:

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

That Staff be authorised that upon completion of the Unilateral Undertaking, planning permission be granted subject to the conditions as set out in the report.

330 **P0350.11 - 19/21 EASTERN ROAD - DEMOLITION OF EXISTING BUILDING AND ERECTION OF SIX STOREY MIXED-USE BUILDING COMPRISING CLASS B1 OFFICE SPACE WITH ASSOCIATED RECEPTION AREA AND SEVEN RESIDENTIAL APARTMENTS**

The report before members detailed an application that sought planning permission for the demolition of the existing building on site and the construction of a new six storey building. The proposed building would

provide 962 square metres of class B1 office space and seven residential apartments (4 two bedroom and 3 three bedroom).

During a brief debate members clarified the amount of office space included in the proposal as the site lay within the Romford Office Zone.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

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

331 **P0279.12 - HAZELWOOD 365 FRONT LANE CRANHAM UPMINSTER - REAR GROUND FLOOR CONSERVATORY EXTENSION**

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

332 **PLANNING CONTRAVENTION -AVELEY MARSHES, RAINHAM**

The Committee considered the report and, without debate, **RESOLVED** that that an Enforcement Notice be issued and served requiring:

within 3 months, relating to the unauthorised change of use:

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

within 6 months, relating to the unauthorised operational development:

- Remove all hardstanding including the compacted earth and gravel and membrane materials from the land as shown cross hatched on the attached plan.
- Remove all building materials, associated spoils and rubble brought onto the land in connection with unauthorised operational development.
- Return the land to open land as it was before the unauthorised development took place.

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

333 **PLANNING CONTRAVENTION -186A MAIN ROAD**

The Committee considered the report and, without debate, **RESOLVED** that an Enforcement Notice be issued and served to require, within 6 months:

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

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

334 **PLANNING CONTRAVENTION -WATER WASTE CENTRE GOBIONS FARM**

The Committee considered the report and, without debate, **RESOLVED** that an Enforcement Notice be issued and served to require, within 3 months:

1. Cease the unauthorised use, of the land as a recycling yard

2. Remove all installations and machinery brought onto the land in connection with the unauthorised use
3. Restore the land to the condition prior to the commencement of the unauthorised use

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
7 June 2012 (7.30 - 8.35 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Linda Van den Hende

Labour Group

Independent Residents Group

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

+Substitute members: Councillor Steven Kelly (for Sandra Binion), Councillor Linda Van den Hende (for Ron Ower)

Councillors June Alexander, Clarence Barrett, Wendy Brice-Thompson, Gillian Ford and Frederick Thompson were also present for parts of the meeting.

About 20 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.

1 MINUTES

The minutes of the meeting held on 22 March 2012 were agreed as a correct record and signed by the Chairman.

2 P0460.12 - 59 ALLEN ROAD, RAINHAM

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

to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement irrespective of whether the agreement is completed.

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

3 P0989.10 - LAND EAST OF MOOR LANE, NORTH OF MOOR LANE CHURCH, CRANHAM

Members considered a report that sought outline planning permission for the formation of a care village or Continuing Care Retirement Community (CCRC). The scheme comprised approximately 12,000sq metres of floorspace consisting of a 36 bed care unit, 27 close care units, 17 linked assisted living units and 51 assisted living units. The site was located within the Green Belt.

Members noted that a similar scheme had been refused in 2009.

It was also noted that two additional letters of representation had been received.

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, Highway and access arrangements, and other considerations.

With its agreement, Councillor Gillian Ford addressed the Committee. Councillor Ford commented and requested the Committee to refuse the application on the grounds of Green Belt impact, concerns over noise impacts, increased traffic, loss of trees protected by a Tree Preservation Order and lack of parking facilities.

During the debate, members discussed the issue of parking facilities, environmental impact, noise pollution.

It was **RESOLVED** that planning permission be refused for the following reasons:

1. The site was within the area identified in the LDF Core Strategy and Development Control Development Plan Documents as Metropolitan Green Belt. The Core Strategy and Development Control Development Plan Documents and Government Guidance as set out within the National Planning Policy Framework states that in order to achieve the purposes of the Metropolitan Green Belt it was essential to retain and protect the existing rural character of the area so allocated and that new building would only be permitted outside the existing built up area in the most exceptional circumstances. It was not considered that the circumstances submitted by the applicant amount to the very special circumstances needed to over-ride Green Belt policy and the proposal was therefore contrary to Policies CP14 and DC45 of the LDF Core Strategy and Development Control Policies Development Plan Documents and the National Planning Policy Framework.
 2. The proposal would, due to its scale, size, massing, height and the considerable loss of preserved trees, result in an adverse impact upon the open character of the green belt contrary to Policies CP14 and DC45 of the LDF Core Strategy and Development Control Policies Development Plan Documents and the National Planning Policy Framework
 3. The proposal would, by reason of the siting, scale and bulk of the some of Assisted Living Units, appear unduly prominent in the Moor Lane street scene, to the detriment of its visual amenity, contrary to Policies CP17, DC3 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Documents.
- 4 **P0243.12 - FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD**

Paragraph 6.7.1 of the report was corrected in that the inference that the affordable housing to be provided pursuant to this application for approval of reserved matters in the first paragraph was separate to that to be provided under the outline planning permission P0702.08 is incorrect. The affordable housing to be provided in this Phase 3B is part of that provision provided for in the outline planning permission P0702.08 and associated Section 106 agreement.

The Committee considered the report and without debate, **RESOLVED** that reserved matters permission be granted subject to the condition contained within the report.

The vote for the resolution was carried by 7 votes to 2. Councillors Hawthorn and Van den Hende voted against the resolution to grant reserve matters planning permission.

5 **P1816.11 - BUDDA LOUNGE, 36-38 (GROUND FLOOR) AND 30-44 (FIRST FLOOR) NORTH STREET, ROMFORD**

Members considered a report that sought an extension to previously granted planning permission. The proposal was for the temporary retention of the smokers roof terrace and landscaping and surrounding fencing. The supporting documentation indicated that the temporary period should be for three years and that the application also is for a change in the current hours for the smokers area to match those more recently approved for the night club itself.

Member noted that Councillor Barry Tebbutt had called in the application on the grounds it had previously been brought before Committee and that it was Members who decided to grant a temporary 3 year consent, that there is a streetscene issue relating to the control of the public entering and leaving the premises and its effect on the surrounding residential occupiers and to enable continuation of existing temporary periods for planning permissions for this use.

During the debate members sought legal clarification of the guidance in Circular 11/95 on the application of planning conditions to control temporary consent.

Following a motion to grant planning permission for a period of five years the Committee **RESOLVED** that planning permission be granted subject to a condition limiting the period of temporary consent to five years (to 7th June 2017) and otherwise the conditions as set out in the report.

The vote for the resolution was carried by 7 votes to 1 with 1 abstention. Councillor Van den Hende voted against the resolution to grant planning permission. Councillor Hawthorn abstained from voting.

6 **P0075.12 - 199-209 HORNCHURCH ROAD, HORNCHURCH**

The location of development was amended to include the Forecourt area of 237 Hornchurch Road.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out within the report, except for deletion of Condition 4 which duplicates condition 3.

7 **P0389.12 - 124 UPMINSTER ROAD, HORNCHURCH**

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

8 **PLANNING CINTRAVENTION - TOMKYNS MANOR, TOMKYNS LANE, UPMINSTER**

The Committee considered the report which was presented to committee. Councillor Tebutt put forward a motion to defer which did not receive a seconder to go to the vote. Officers explained that, although the owner of the site was trying to resolve matters through the submission of a planning application, the operational aspect of the alleged breach were approaching the statutory time limit set out in the Town and Country Planning Act 1990 after which in default of service of an Enforcement Notice the alleged breach could be immune from enforcement and therefore authority was being sought now. The committee **RESOLVED** that

(A) it expedient that, subject to consultation and approval from the Assistant Chief Executive, Legal and Democratic Services, an Enforcement Notice be issued and served to require within 9 months:

1. The unauthorised building be demolished.
2. Remove all materials, hardstanding and rubble associated with the unauthorised building and resulting from the demolition of the building.

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

1. The residential use ceased.
2. Return the barn to its authorised use as stables and agricultural storage in accordance with P0080.07.

And within 9 months:

3. Remove all residential installations including bathroom and kitchen fittings and internal walls created in connection with this unauthorised use.
4. Restore the barn so that it accords with the approved plans in planning application P0080.07.
5. Remove the unauthorised access road off Tomkyns Lane and restore the land to the condition prior to the formation of this road.

6. Remove all rubble and building materials resulting from compliance with 2-5 above.

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

The vote for the resolution was carried by 8 votes to 1. Councillor Tebbutt voted against the resolution to instigate enforcement action.

Chairman



REGULATORY SERVICES COMMITTEE

19 July 2012

REPORT

Subject Heading:

**P0576.12 – Land at bottom of gardens
at 125 & 127 Havering Road, Romford**

**Proposed 2 no. semi detached houses
(Application received 30th April 2012)**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This report concerns an application for a pair of semi-detached houses to be provided on land which currently forms the rear gardens of Nos. 125 and 127 Havering Road. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

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

- A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to commencement of development.

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

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

3. 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.

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

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

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size

and species, unless otherwise agreed in writing by the local Planning Authority.

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

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

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

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

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

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

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

9. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

10. Highway alterations - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

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

11. Vehicular crossovers - The building shall not be occupied until a vehicular crossover running the entire length of the proposed off-street parking spaces has been constructed.

Reason: To ensure highway safety for the travelling public.

12. Parking Spaces - Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 2 car parking spaces for each of the 2 dwellings 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.

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

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.13 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 190m² and amounts to £3,800.

INFORMATIVES

1. Reason for Approval The proposal is considered to be in accordance with CP1, CP2, CP17, DC2, DC3, DC11, DC33, DC61, DC63, DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Residential Extensions and Alterations Supplementary Planning Document and the Supplementary Planning Document (SPD) for Residential Design. The

proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.3 of the London Plan.

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

3. The developer, their representatives and contractors are advised that this 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. 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.

5. 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 are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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 comprises land which currently forms the bottom portion of the rear gardens of 125 & 127 Havering Road. The site currently consists of open land, a garage and outbuildings. The site has a frontage onto Saffron Road of approximately 15.9m and the site has a depth of approximately 23.5m.
- 1.2 The surrounding area is predominantly residential in character, comprising two storey semi-detached, and terraced properties. The site boundary is located approximately 20m from the rear building line of 125 & 127 Havering Road, which form a semi-detached pair. The site is flanked on the other side by a row of terraces, with 2 Saffron Road closest to the site.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of the outbuildings currently on the site and the erection of a pair of semi-detached three bedroom dwellings.
- 2.2 In terms of appearance the proposed two storey dwellings would have hipped roofs. Each house would have a feature double height front projection of 0.9m, which would be finished with hipped roofs. The dwellings would have canopies over the front doors and the rear elevation at ground floor level. In terms of finishing materials, the predominant materials proposed are render, concrete roof tiles and UPVC windows and doors.
- 2.3 Each dwelling would measure 6.5m in width and 7.1m in depth (excluding the front projections). The eaves height would be 5.7m and the ridge height would be 8.65m.
- 2.4 The dwellings would sit at a slight angle in the plot to ensure that the front building line of Saffron Road is continued in the new dwellings. The front gardens would measure 5.4m at the shortest point and the rear gardens would measure 7.3m at the shortest point. Rear access would be available to the side of each dwelling, each accessway measuring 1m at its narrowest point.

3. Relevant History

- 3.1 No relevant history

4. Consultations/Representations

- 4.1 Neighbouring properties were directly notified of this proposal. Eight letters of objection have been received. The letters raised the following concerns:
- 1) The new houses would exacerbate existing parking problems
 - 2) The drainage in Saffron Road is already below standard and frequently leads to flash floods. The proposed new houses would exacerbate the existing surface water drainage problems.
 - 3) Housing in back gardens is out of character with the area
 - 4) Housing in back gardens leads to the area appearing congested
 - 5) The new houses will cause noise problems for existing residents
 - 6) The new houses will overlook existing properties, leading to a loss of privacy
 - 7) The surrounding infrastructure such as schools and health centres are already oversubscribed
 - 8) The houses will result in a loss of light to certain neighbouring occupiers
 - 9) The building works will be noisy and dangerous to children living in the vicinity
 - 10) The development may lead to a loss of street trees
 - 11) There has been a huge rise of new dwellings being built in Romford and there is no need for any more to be built
- 4.2 The issues raised in points 1, 3, 4, 5, 6 and 8 will be considered in the analysis below. In reference to point 2, the dwelling is located in Flood Zone 1 and there is no watercourse nearby. Both Thames Water and Essex & Suffolk Water have been consulted, and have no objections to the proposal. Thames Water has recommended the imposing of an informative regarding surface water and offered to advise the applicant on how to avoid exacerbating surface water issues in the area. The applicant has been informed of the drainage issues existing in the area, and has been put in touch with Thames Water.
- 4.3 In reference to point 7, it is acknowledged that new dwellings will put pressure on existing infrastructure. It is for this reason that a contribution in accordance with the Council's Planning Obligations SPD is required, as these contributions will be used to maintain and enhance the local infrastructure, including schools and health facilities.
- 4.4 In reference to point 9, disruption during building works is not a valid reason to refuse consent. Nevertheless, a condition has been suggested limiting the hours during which construction can take place. There should be no loss of street trees as a result of the development. In reference to point 11, the evidence base collated for the Local Development Framework clearly demonstrated the continuing need for new houses in Romford.
- 4.5 Crime Prevention Design Advisor - Recommends a condition and informative if minded to grant planning permission.

- 4.6 The Highway Authority has no objections to the proposals and recommends a condition and informatives if minded to grant planning permission.
- 4.7 London Fire and Emergency Planning Authority - The Brigade is satisfied with the proposals.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply
CP2 – Sustainable Communities
CP17 – Design
DC2 – Housing Mix and Density
DC3 – Housing Design and Layout
DC11 – Non-designated sites
DC33 – Car parking
DC61 – Urban design
DC63 – Delivering safer places
DC72 – Planning Obligations

Residential Extensions and Alterations Supplementary Planning Document
Supplementary Planning Document (SPD) for Residential Design
Planning Obligations Supplementary Planning Document

5.3 The London Plan

3.3 – Increasing housing supply
3.4 – Optimising housing potential
3.5 – Quality and design of housing developments
3.8 – Housing choice
6.13 – Parking
7.13 – Safety, security and resilience to emergency
7.4 – Local character
8.3 – Community infrastructure levy

5.4 Government Guidance

National Planning Policy Framework

6. Staff Comments

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

6.2 Principle of Development

- 6.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. As the site does not fall within any designated areas, and the surrounding use is residential, then residential uses are acceptable in this area.
- 6.2.2 The National Planning Policy Framework encourages local authorities to resist inappropriate development of residential gardens where the development would cause harm to the local area. In this case, the site has a frontage onto Saffron Road, an established residential street. The gardens of 125 and 127 would retain a rear garden depth of approximately 20m. The site area of 355 square metres would not result in an overly cramped development (see density discussion below).
- 6.2.3 A valid consideration on whether this development represents an inappropriate development of residential gardens is whether the gardens in this location are particularly important in maintaining open character. Staff note that the side streets leading from Havering Road and Mashiters Hill are characterized by the return of the rear gardens of the corner dwellings on the main road before the building line of the side streets begin. However, staff also note that 20m of rear gardens will be retained, so the end of Saffron Road will remain open. Staff also note that the land to the rear of 15 and 17 Mashiters Hill, which is the next side street along, has experienced similar development. It is a matter of some judgment for committee members as to whether the development constitutes inappropriate development of residential gardens; staff consider that in principle the establishment of dwellings on the site would not be inappropriate, nor result in harm to the local area, and therefore, is in accordance with policy criteria.

6.3 Density and site layout:

- 6.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.037 hectares and the proposal would produce a density of 54 dwellings per hectare. As the density is only slightly over the anticipated dwelling, this is deemed to be acceptable.
- 6.3.2 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance the proposed houses would each benefit from a private rear garden area of approximately 67 square metres. Staff are of the view that the proposed rear garden areas are acceptable in

terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.4 Impact on local character and street scene:

6.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. In this case, existing development within Saffron Road comprises of a mix of two storey semi-detached and terrace houses. The predominant design includes two storey front projections, similar to those proposed for the new dwellings. Therefore, the proposed dwellings are considered to be compatible with the streetscene and surrounding area.

6.4.4 The dwellings would be similar in height to neighbouring residential dwellings. It is considered that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

6.4.5 The position of the dwellings in the streetscene is compatible with the general building line in Saffron Road. The proposed houses would utilise a mixture of materials including render, roof tiles and UPVC windows. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

6.4.6 This end of Saffron Road is currently very open as a result of the rear gardens of No. 123 and 125 Havering Road. The proposed dwellings will close this gap to some extent and result in a mild unbalancing of the street scene. Members may wish to consider whether this will prove harmful to the streetscene. As a 20m rear garden will be retained to Nos. 125 and 127, the majority of the spacing will be retained, and staff consider that this will sufficiently mitigate the unbalancing effect.

6.5 Impact on amenity

6.5.1 It is acknowledged that the front and rear windows of the proposed dwellings would overlook part of the rear gardens of Nos. 123 and 129 Havering Road and there would be only just over 7m between the rear of the new dwellings and the garden of No. 129. However, given that the view would be over the bottom of these gardens, so the 20m depth of rear garden closest to the house would not be significantly overlooked by the proposed dwellings. Members may wish to consider whether this overlooking represents an unacceptable loss of privacy, or if the new dwellings would appear unacceptably overbearing to the occupiers of No. 129. Staff consider that the distance from the overlooked area of rear garden to the houses of No. 123 and 129 means that the front and rear windows of the

proposed dwellings would not result in an unacceptable loss of privacy to neighbouring occupiers and the houses would not appear unacceptably over bearing to neighbouring properties.

6.5.2 The flank walls would each have a first floor landing window. There would be a 20m separation distance from the east flank window to the rear of No. 125. The west flank window would face the flank wall of No. 2 Saffron Road, which has a single window that, given its size and position in the wall, appears to serve a landing. Staff consequently do not feel it necessary to impose a condition requiring that the landing windows be obscurely glazed. A condition will be placed in respect of boundary treatments if minded to grant planning permission.

6.5.3 The terrace consisting of Nos. 2-8 Saffron Road is the only property located within 20m of the proposed dwelling. Only 2 Saffron Road would be affected by the proposal, as views of the new dwellings from the other properties in the terrace would be obscured by No. 2 Saffron Road. As the front and rear building line of the proposed dwellings is consistent with that of the terrace, the only impact on No. 2 Saffron Road would be the overshadowing of the flank window, which, as mentioned above, is believed to serve a landing. As a landing is not a habitable room, and no objection has been received from the occupier of No. 2 Saffron Road, staff conclude that the impact of the proposal on the amenity of the occupiers of No. 2 would be acceptable.

6.6 Highway/parking issues

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 1.5 to 2 spaces per unit. The proposal does not establish parking provision, however the front gardens would be large enough to provide two parking spaces and 40% landscaping. Conditions are suggested which will require each dwelling to have two car parking spaces, and for a full landscaping scheme to be submitted for consideration, this would ensure compliance with Policy DC2. The Highway Authority has no objections to the proposals subject to the imposition of various conditions. The Fire Brigade is satisfied with the proposals.

7. The Mayor's Community Infrastructure Levy

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 190m² and amounts to £3,800.

8. Conclusion

8.1 The proposal raises matters of judgement in relation to the principle of the development on existing residential gardens and the relationship between the proposed dwellings and the neighbour at No. 129. Staff consider that

the height, siting, design and scale of the dwellings proposed are compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £12k towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered by staff to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, plans and a design and access statement received on 30th April 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

19 July 2012

Subject Heading:

P0585.12 – Land at No. 65 Gubbins Lane, Harold Wood

Report Author and contact details:

16 no. new build residential flats and houses as; 1 bedroom, 2 bedroom and 3 bedroom units in 2 blocks from 2 to 4 storeys in height with car parking bays and associated communal landscaped areas and private gardens.

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

SUMMARY

This planning application proposes the demolition of an existing motor repair garage and the erection of 16 residential units in two blocks, on land at No.65 Gubbins Lane, Harold Wood. One of the blocks would be two storeys in height and

the other up to four storeys in height. The proposal would include a parking area, private and communal amenity spaces, a new pedestrian access, cycle parking, and bin refuse storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

RECOMMENDATIONS

(A)

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:

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- The provision of 8 units within the development as affordable housing with 6 of those units made available for social housing and 2 of those units as shared ownership. Should any owners of shared equity units staircase to 100% equity, provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annex 2 of the National Planning Policy Framework;
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

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

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

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

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have 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 LDF Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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

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

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;

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

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

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

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

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

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

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

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

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

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

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

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

Reason:

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

15. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

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

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

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

17. Sound attenuation - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Gubbins Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the

good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with paragraph 123 of the National Planning Policy Framework and the Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural).

17. Visual Screening – No development shall take place until details of the proposed use of screening and balustrade materials, relating to the balconies of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

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

18. Sustainability Statement - No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of “Level 3” or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance 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 Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

19. Energy Statement - No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined in London Plan policy 5.2 are to be met within the framework of the energy hierarchy. The minimum requirements for the Energy Statement are set out in London Plan Policy 5.2

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

20. Electric Vehicle Charging Facilities – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved dwellings being first occupied and shall apply to at least 20% of parking spaces.

Reason: In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

21. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

22. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

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

23. Flank Windows – The flank windows relating to the northern elevations of the development hereby approved shall be obscure glazed and non-opening, and shall be retained as such for the life of the development.

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

24. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwelling houses, with the exception of ancillary structures up to 10 cubic metres in volume, 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 the LDF Development Control Policies Development Plan Document Policy DC61.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the expiry of this application's statutory determination date on 10th August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development, or for meeting the necessary infrastructure costs arising from the development.

INFORMATIVES

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

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

3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

4. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the relevant parts of the National Planning Policy Framework.

The proposal also accords with the provisions of Policies 3.3, 3.5, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. Levels of parking are considered to be justified given the relatively low PTAL level of the site. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought.

Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The site, which is approximately 0.16ha in area, comprises land currently in use as a vehicle repair and MOT facility, with a garage building located towards the centre of the site and much of the remaining land area being used for vehicle parking and access. A further workshop/storage building is located at the north western corner of the site.
- 1.2 The site's southern and western boundaries adjoin the Harold Wood Hospital Site Specific Allocation area, which is in the process of being redeveloped as a large scale residential development. Planning permission P0702.08 indicates that a building up to four storeys in height is likely to be developed near to the site's western boundary and that open space and an access road will be located alongside the southern boundary. The bulk of the site's western boundary is located alongside an undeveloped, landscaped area associated with a neighbouring property.
- 1.3 The eastern boundary lies adjacent to the public highway, which at that point includes a bus stop, whilst the northern boundary abuts existing residential properties fronting onto Gubbins Lane, comprising two storey, pitch-roofed dwellings. The site is located in close proximity to the Harold Wood Major Local Centre, the Oak Road Minor Local Centre, and Harold Wood railway station.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of two existing workshop buildings and its replacement with 16 residential units in two blocks, accompanied by a parking area, private and communal amenity spaces, a refuse store, and cycle storage. Two of the proposed units would be equipped for disabled use. Vehicular access would be through the existing access onto Gubbins Lane and a separate pedestrian access located at the south eastern corner of the site would also provide access from Gubbins

Lane. 16 car parking spaces are proposed along with a visitor/deliveries space.

- 2.2 The 16 units, which are between 50sqm and 90sqm in area, would comprise five 1-bed flats, nine 2-bed flats, and two three-bed houses. The main elevations of the two blocks would face in an east-west direction. The western-most block, towards the rear of the site, would be two storeys in height with two 3-bed houses at its southern end, and four flats at its northern end. Private gardens would be located to the rear, or west of this block, relating to the two houses and the two ground floor flats. The two first floor flats would include balconies.
- 2.3 The eastern-most block, which would front onto Gubbins Lane, would be three to four storeys in height with three flats on each of the first three floors, and one flat on the fourth floor, located at the southern end of the block. Amenity spaces would be provided in relation to the ground floor flats between the eastern elevation and the boundary with Gubbins Lane. Balconies would be provided in relation to the upper storey flats.
- 2.4 The proposal would include communal amenity spaces at the southern end of the open space located between the two proposed blocks, along with a roof garden on the eastern block. A total of 250sqm of communal amenity space, and 366sqm of private amenity space would be provided.
- 2.5 The proposal would be constructed of brick, render, and plain roof tiles, with painted galvanised metal railings relating to balustrades and zinc canopies. A “green roof” would be included at the northern end of the block fronting onto Gubbins Lane.

3. Relevant History

- 3.1 The previous planning decisions of most relevance to this application are as follows:
 - 3.2.1 P1446.10 - Redevelopment of commercial workshop/body shop for residential use, erection of 24 apartments (Demolition of existing builders yard) – Refused on the following grounds:

“1. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2, DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

2. The proposal represents an overdevelopment of the site which is unable to provide an acceptable level of off-street parking without resulting in deficient amenity space provision. To provide adequate amenity space the resultant shortfall in parking would give rise to unacceptable overspill onto the public highway to the detriment of highway safety. The development is

therefore contrary to Policies DC33 and DC61 of the LDF Development Control Policies DPD.

3. In the absence of a Section 106 Legal Agreement, the applicant fails to demonstrate how the impact of the development on Education provision will be provided for. In this respect, the proposal would be contrary to Policies DC29 and DC72 of the LDF.”

3.2.2 This decision was appealed by the applicant (Reference: APP/B5480/A/11/2150765) but the appeal was dismissed in August 2011 on the grounds that some of the units would have inadequate amenity space and that the scheme would make inadequate provision for car parking.

3.3.1 P0233.09 - Redevelopment of commercial workshop/bodyshop for residential use, erection of 27 apartments (Demolition of Existing Buildings) – Refused on the following grounds:

“1. The proposed development would, by reason of its position, bulk and mass, appear as a visually intrusive feature in the street scene, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.

2. The proposed development would, by reason of its position and proximity to an approved adjoining scheme under application ref. P1232.06, cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent future occupiers and prejudice the living conditions of prospective occupiers of the proposed development, contrary to Policy DC61 of the LDF Development Control Policies DPD.

3. The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document and the SPG on Residential Amenity Space.

4. In failing to deliver a high quality of design through the deficiencies described in reasons 1 and 2 above, the proposal fails to justify such high density of development, contrary to Policies CP2 and DC2 of the LDF Core Strategy and Development Control Policies Development Plan Documents.

5. The proposed development would, by reason of the inadequate servicing of the site and lack of details of a new bus stop, result in unacceptable loading, unloading and turning of vehicles at the site and render the bus stop inaccessible to the general public, causing an impact on the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32, DC36 and DC61 of the LDF Development Control Policies DPD.

6. The scheme does not give particulars with regards to an energy demand assessment or details of the energy efficiency design measures and

renewable energy technology to be incorporated into the development. It has therefore not been sufficiently demonstrated how the scheme could achieve the required displacement of at least 20% of carbon dioxide emissions through on site renewable energy measures and energy efficient technology and is contrary to Policy DC50 of the LDF Development Control Development Plan Policy and Policies 4A.4 and 4A.7 of the London Plan.

7. Insufficient justification has been provided for the lack of provision of affordable housing. In this respect, the proposal would be contrary to Policies 3A.9 and 3A.11 of the London Plan and Policy DC6 of the LDF.

8. Insufficient justification has been provided for the lack of provision of an educational contribution. In this respect, the proposal would be contrary to Policies DC29 and DC72 of the LDF.”

3.3.2 This decision was appealed by the applicant (Reference: APP/B5480/A/09/2112021) but the appeal was dismissed in February 2010 on the grounds that the proposal would result in an over development of the site, allowing insufficient amenity space for all of the residents, and insufficient access arrangements. It was also considered that the proposal would have an unacceptable impact on the street scene and that there was insufficient justification for the absence of affordable housing units.

3.4 The following is also of relevance as it relates to the neighbouring, former hospital site.

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

4. Consultations/Representations

4.1 The application has been advertised on site and in the local press as a major development; the overall expiry date of the consultation period is the 2nd July. Neighbour notification letters have also been sent to 45 local addresses. One letter of objection has been received, as follows:

4.2 Objections to the scheme are raised on the following grounds:

- The proposal, particularly when combined with the neighbouring residential development, result in significant noise and other disruption to local residents
- The proposed 4-storey building height would not be in keeping with the surrounding residential properties and be detrimental to the character of the area
- The proposal would result in additional traffic congestion in the area

4.3 Comments have also been received from the following:

The Environment Agency

No comments received. Members will be given a verbal update at Committee if any comments are received.

Crime Prevention Design Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

London Fire and Emergency Authority

No objections.

Environmental Health (Noise)

No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)

No objections; condition recommended.

Highway Authority

No objections; conditions, and obligation, and informatives recommended.

Housing

No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character),

7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

6. **Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, affordable housing, community infrastructure, and other considerations.

6.2 **Principle of Development**

6.2.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

6.3 **Design Considerations**

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The application site has an area of approximately 0.16 hectares and proposes 16 units, giving a development density of approximately 100 units per hectare. Whilst this is above the density range of 50-80 units per hectare set out in Policy DC2, the close proximity of the proposal to Harold Wood railway station and Harold Wood Major Local Centre is such that it is considered that the site’s location could support the proposed density of development. Moreover, the previously refused scheme, which proposed more units than is the case here, was not refused on the basis that it would be too dense.

- 6.3.3 The site is located in a broadly residential area comprising a range of house types, with traditional, two storey, pitched roof dwellings and some larger scale flatted development. The neighbouring site to the west and south is currently being developed for residential purposes, and will eventually include a variety of houses and flatted development. The application site is considered to be in an unsightly condition, and the proposal would improve its appearance.
- 6.3.4 The application proposes a more traditional form of design and construction in the two-storey, western block, which is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The western block would have a pitched, hipped roof and conventional detailing and is constructed using brick and plain roof tiles. The flatted development, which would front on to Gubbins Lane, would employ brick for its main facing material, and would have a flat roof. It is recommended that a planning condition be imposed requiring the submission of details relating to the proposed use of materials.
- 6.3.5 Whilst the proposed eastern block would be located alongside two storey properties to the north, the eastern block is separated from these by the proposed access, with a separation distance of just over 6m, and the design incorporates a step-up from three storeys to four to achieve a more gradual increase in heights along the roadside. The scale and massing of both blocks is considered to be broadly in keeping with the character of the wider area, particularly given the emerging residential development at the former Harold Wood hospital site.
- 6.3.6 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition, particularly in relation to the proposed “green roof”, which will be visible from the surrounding area.
- 6.3.7 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

6.4 Layout and Amenity Considerations

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

- 6.4.2 The development proposes a mix of house types, proposing houses and 1-3 bedroom flats. This complies with the aims of Policy DC2 in respect of dwelling mix. 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 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.3 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private gardens for the houses and ground floor flats within the site, along with balconies for the proposed apartments. The proposal would also include communal amenity space at ground level along with a roof garden. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 6.4.4 The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.
- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the two proposed blocks is approximately 22m, which is considered sufficient to avoid any significant adverse impacts between the two in terms of outlook and overlooking. It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area.
- 6.4.6 In relation to the impact the proposal would have on existing, neighbouring occupiers then particular attention needs to be paid to the impacts on residents along Gubbins Lane, which are the nearest existing neighbouring properties to the site. Consideration also needs to be given to the impacts between the proposal and the approved residential development at the neighbouring, former hospital site.
- 6.4.7 The proposal would be located approximately 29m from the neighbouring dwellings located on the opposite side of Gubbins Lane. Given the nature of the proposal, including its overall scale, it is considered that its siting would

not result in any significant adverse impacts on the amenity of the occupiers of these properties, in terms of overlooking, overshadowing, or outlook.

- 6.4.8 The nearest neighbouring property would be No.67 Gubbins Lane, which is located immediately to the north of the site. The proposed access would run between the proposed eastern block and this dwelling. Given that the access to the existing business is located in the same position and that the proposed development is likely to generate less traffic than the existing use, it is considered that the proposed access would not result in any significant adverse impacts on the amenity of this property's occupiers.
- 6.4.9 The northern end of the proposed eastern block would be located approximately 6.5m from the side of No.67. At this point, the proposal would be 3 storeys in height, with a green roof that would not be accessible to residents. Given the siting of the proposal in relation to No.67 and its height, it is considered that there would not be any significant adverse impacts in terms of the outlook and access to daylight of the occupiers of No.67. In terms of overlooking, the proposal would include openings in its northern elevation that would face towards No.67 and permit a degree of overlooking towards its rear curtilage. It is recommended that a condition be imposed requiring that these flank windows, at second and third floor levels, be obscure glazed and non-opening. It is considered that the balconies and access decks relating to the western side of this block have been sufficiently well designed to prevent any significant overlooking to the rear curtilage of No.67, with separation distances of around 7.5m at first floor level, and approximately 9m at second floor level, and the use of visual screens at the northern ends of these platforms. It is recommended that a condition be imposed to secure the visual screens.
- 6.4.10 The proposed western block, which would be two storeys in height, would face in the direction of the rear of No.67 Gubbins Lane. The western block would be located approximately 21m from the rear of this dwelling, which is considered to be sufficient to prevent any significant harm in terms of privacy, outlook, and loss of light. The first floor flats at the northern end of this block would result in a degree of overlooking over the rear curtilage No.67; however, this would be moderated by the existing screening along the northern boundary. The main impact would be in relation to the perception of overlooking held by the occupiers of No.67. The applicants have amended the submitted plans to incorporate opaque materials for the proposed balcony balustrades facing No.67 Gubbins Lane. This is considered sufficient to overcome the perception of overlooking, and should be secured by means of a planning condition.
- 6.4.11 Consideration also needs to be given to the relationship that the proposal would have with the proposed development at the neighbouring, former hospital site. Outline planning permission has been granted for residential development at the neighbouring site, with reserved matters approval being granted in different areas of that site. The phase nearest to the site under consideration does not yet benefit from reserved matters consent and it is anticipated that this will not be sought until 2015. The outline consent that

has been granted indicates that an apartment block, up to four storeys in height, would be constructed approximately 9.5m to the west of the houses being proposed in the application under consideration. However, the outline consent that has been granted only relates to the access arrangements; the anticipated reserved matters application would therefore provide scope for the scale, design, and layout of that proposal to be adapted to the prevailing conditions existing at that time. Given that the future design of the neighbouring apartment block can be adapted to prevent any significant adverse impacts between that development and the proposal, the proposed development is considered to be acceptable in terms of the relationship it would have with the neighbouring site.

6.4.12 It is considered permitted development rights for the proposed houses should be removed by means of a condition to prevent any significant adverse impacts on visual or residential amenity.

6.4.13 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

6.5 Environmental Impact

6.5.3 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted.

6.6 Parking and Highway Issues

6.6.1 The application proposes the retention of the site's existing access. A neighbouring occupier has objected to the proposal stating that it would result in an increase in traffic congestion in the local area.

6.6.2 The application proposes 17 car parking spaces, one of which would be set aside for visitors and deliveries. The proposed car parking provision would therefore equate to 1 space per dwelling. Cycle storage would also be provided at a rate of more than one space per dwelling.

6.6.3 The site has a PTAL rating of 3-4, which translates to a moderate level of public transport accessibility, however, the proposal is located in close proximity to Harold Wood railway station and is located immediately adjacent to a bus stop. The proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted. A planning obligation is also recommended that would prevent future occupiers from applying for parking permits for the surrounding area. It is recommended

that this obligation should be secured prior to planning permission being granted.

- 6.6.4 It is recommended that conditions be imposed relating to wheel washing facilities to prevent the deposition of mud onto the public highway during construction works. It is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.
- 6.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 Affordable Housing

- 6.7.1 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes.
- 6.7.2 The application proposes that 50% of the proposed units within the development will be provided as affordable housing. 75% of these would be available for social rent and 25% for shared ownership. Officers consider that the proposal would provide the maximum amount, and the most suitable type of tenure, of affordable housing possible whilst also remaining a viable scheme. Providing the proposed tenure mix and level of affordable housing is secured by a legal agreement, it is considered that the proposal would be in compliance with Policy DC6 of the LDF, and therefore acceptable.

6.8 Community Infrastructure

- 6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 1238sqm, which equates to a Mayoral CIL payment of £24,760.
- 6.8.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £96,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

6.9 Other Considerations

- 6.9.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.
- 6.9.2 Policy DC7 of the LDF requires that 10% of all new homes on sites of 15 dwellings or more must be designed to be wheelchair accessible or be easily adaptable for residents who are wheelchair users. Of the 16 units proposed, two of them would be wheelchair accessible, including disabled parking spaces. The proposal therefore exceeds the requirements of Policy DC7 and is considered acceptable.

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 7.2 The proposal is considered to be acceptable having had regard to Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application p0585.12, all submitted information and plans.

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REGULATORY SERVICES COMMITTEE

19 July 2012

REPORT

Subject Heading:

P0463.12 203 Crow Lane, Romford

Report Author and contact details:

Proposed conversion of existing vacant shop into a one bedroom flat including change of use from shop to residential

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan**

National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The application seeks planning permission for the conversion of a vacant ground floor retail unit into a one bedroom flat. Staff conclude the proposal to be acceptable.

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

RECOMMENDATIONS

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

- A financial contribution of £6,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

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

1. SC4 Time limit

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

Reason:-

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

2. SC10 Matching Materials

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

Reason:-

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

3. SC32 Accordance with plans

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

Reason:-

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

4. SC78 Secure By Design

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included 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 the National Planning Policy Framework, Policy 7.13 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

5. Cycle Storage

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

Reason:-

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

6. Highways Licence

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed 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.

7. Vehicular Access

The building shall not be occupied until a means of vehicular access and crossover has been constructed in accordance with the approved plans.

Reason: -

To ensure highway safety for the travelling public.

INFORMATIVE

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC4, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Secure By Design

In aiming to satisfy condition 4 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

Highways

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

The developer, their representatives and contractors are advised that this 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.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a vacant ground floor retail unit in a two storey, mid-terraced property. The unit was last used as a newsagent and has been vacant since December 2011. The first floor of the property comprises a 1 bedroom flat. The terrace initially comprised of a parade of shops, but three others in the terrace have been converted to residential. The other two units consist of an off-licence and a newsagent and general store.
- 1.2 The floor area of the unit is approximately 55 square metres. There is a paved area in front of the unit and a yard area to the rear of the unit, with a vehicular access way leading to the yard.

- 1.3 The site is located on the southern side of Crow Lane. Opposite the site are three storey blocks of flats. The area to the west is predominantly residential, and Crowlands Heath Golf Course is located to the east of the terrace.

2. Description of Proposal

- 2.1 The application is to convert the vacant retail unit into a one bedroom flat. The floor area of the flat would be approximately 55 sqm. The flat would have entrance doors at the front and rear.
- 2.2 External changes would involve the removal of the shop front and the installation of a window and front door. Additional windows would be inserted in the rear elevation.
- 2.3 A parking space exists at the rear for the first floor flat. A parking space for the ground floor flat would be provided to the front of the property. Secure cycle storage would be provided at the rear for both flats.

3. Relevant History

- 3.3 The site has no relevant planning history.

4. Consultations/Representations

- 4.1 Twenty-five neighbouring occupiers were notified of the proposal. No objections were received
- 4.2 The Council's Street Care Service raises no objection in respect of refuse collection.
- 4.3 The Highways Authority raises no highway or parking issues, although they have requested the imposing of conditions and informatives.
- 4.4 The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues, and requested the imposition of a condition.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP1 (Housing Supply), CP17 (Design), DC4 Conversion to Residential and Subdivision of Residential Uses, DC33 (Car Parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) DC63 (Crime), and DC72 Planning Obligations.
- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential. 3.5 Quality and Design of Housing Developments.

5.3 NPPF Section 6 “Delivering a wide Choice of Homes”, and Section 7 “Requiring Good Design”.

6. Staff Comments

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

7. Principle of Development

7.1 In accordance with CP1, the unit is not located in a designated or allocated area which would preclude the change of use from retail to residential. The conversions of other units in the terrace demonstrates that conversions from retail to residential in this terrace have already been accepted in principle. The unit has been vacant for some time, so the conversion would not result in the loss of a service. CP1 encourages the use of vacant land and property outside of designated areas for housing, so the principle of the proposal is accepted.

8. Density/Site Layout

8.1 Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the 1-2 PTAL zone where a low density of development is anticipated, between 30-50 dwellings per hectare, and 150-200 habitable rooms per hectare. The proposal would result in a density of 104 units per hectare, 208 habitable rooms per hectare. Given the small scale of the development, the absence of new built form proposed, and that the rooms per hectare is only slightly higher than that specified for this area, staff consider that the higher density is acceptable in this instance.

8.2 As the proposal would see a retail unit converted to form a flat, consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals involving conversions to form residential accommodation. The proposal accords with Policy DC4, which requires that;

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

- 8.3 The London Plan 2011 outlines minimum space standards for dwellings of different sizes. The standards are 37 sqm for a single person 1 bed flat and 50 sqm for a 2 person flat, the proposed dwelling therefore exceeds this requirement.
- 8.4 The proposed flat is considered to be adequately sized and is self-contained. The aspect is reasonably open and the attractiveness of these units as living accommodation would be a matter of choice for the prospective occupiers of the flats.
- 8.5 The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For ground floor flats the SPD seeks both private and communal amenity space. The flat would have access to a source of natural light through windows and communal amenity space of 90 square metres to the rear of the flat, although this area would include a parking space and the cycle storage. Given the size of the flat, the units is unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space.
- 8.6 Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of private amenity space is acceptable in this instance, as the application involves the conversion of an existing building, and communal amenity space is provided.

9. Design/Impact on Street/Garden Scene

- 9.1 The application will not have a detrimental impact to the appearance of the subject building and broader streetscape. The removal of the shop front and installation of the windows and front door would blend in with the windows and doors on the adjacent properties

10.0 Amenity Considerations

- 10.1 As proposed, the flat would be built below an existing flat, and between two other flats. The proposal is similar to others approved by the Council, which makes use of available space for residential uses above commercial premises.
- 10.2 There will be no significant external amenity impacts from the proposal, due its nature as a conversion. The key consideration is the amenity standards for new occupiers. It is noted that other residences are located in close proximity, and there are no uses nearby incompatible with residential uses. Therefore, the amenity standards for future occupiers of the proposed flat would be acceptable.

11.0 Highway/Parking

- 11.1 The existing flat and the proposed flat would each have one parking space. Policy DC33 requires parking provision of 1.5 -2 spaces per unit in locations with a low PTAL. However, the Highway Authority does not object to the under provision as both the existing and proposed flats would each have only one bedroom.
- 11.2 Secure cycle storage has been provided.
- 11.3 A condition is attached requiring that a vehicle crossover be provided.

12.0 Other Issues -

- 12.1 The Council's draft SPD on Planning Contributions requires a payment of £6000, per new dwelling created. This will require a total of £6,000 to be secured by way of a Section 106 agreement.

13.0 Key Issues/Conclusions

- 13.1 The site is in a non-designated location where residential uses are prioritised for vacant land and buildings. The new flat will be located below and between existing residential properties.
- 13.2 The proposed flats are of a suitable size and layout and the standard of development that can be provided is considered appropriate, and meets the guidelines set out in the London Plan, and Council policy.
- 13.3 The application represents the appropriate refurbishment of an existing underutilised building in a location where residential development is appropriate, and is recommended to Members for approval.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Plans and Documents submitted with the application 10th April 2012

**REGULATORY
SERVICES
COMMITTEE**

REPORT

19 July 2012

Subject Heading:

P0452.12 – Levelling out to provide car park with new vehicular access from Hilldene Avenue – Abercrombie House, Harold Hill (received 10th April 2012; revised plans received 1st and 11th June 2012 and additional plans received 14th June 2012)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the levelling out of the site fronting onto Hilldene Avenue to provided a new car parking area together with a new vehicular

access onto Hilldene Avenue. The site is Council-owned. Staff consider that the proposal would accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended.

RECOMMENDATIONS

It is recommended 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. SC06 parking provision: Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

3. materials: Before any of the development hereby permitted is commenced, samples of all external materials to be used in the construction of the car parking area including hard surfacing, retaining wall, railings and colour application for the palisade fencing shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

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

5. SC32 accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

6. SC58 refuse storage: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the local planning authority. Unless otherwise agreed in writing these details shall include provision for underground containment of recyclable waste.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

7. SC59 cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

8. NSC01 Prior to works commencing the applicant shall provide full details of all works to relocate the bus shelter, remove street trees and relevant road and pavement markings to the satisfaction of the Highways Authority. Once approved in writing, the said approved works shall be completed prior to first use of the approved parking area.

Reason: In the interests of highway safety

INFORMATIVES

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC32, DC33 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a 2-storey building with single-storey sections to the western side of the main building which is centrally located within the site. The application site has a frontage onto Bridgewater Road and onto Hilldene Avenue. Abercrombie House provides accommodation of 33 units for Council tenants with a grassed play area to the south and east of the building. The existing parking area is located to the Bridgewater Road frontage where it is shared with parking for the Youth Centre (16 spaces being allocated to the occupiers of Abercrombie House). There is a bricked/gated pedestrian access to Hilldene Avenue to the south-west of the application site. There are a few trees to the south of the building with a row of conifers to the western boundary and an overgrown Beech hedge to the back edge of the footpath to Hilldene Avenue, behind which is a 2m high close-boarded fence. Ground levels rise to the rear (north) and east of the site. The site area is 517 Sq.m.
- 1.2 The area is mixed in character with 2-storey residential properties to the north (houses) and east (flats and houses) and community buildings including a Library and Youth Centre to the west. To the south is the main shopping centre with commercial to the ground floor and residential above. To the north-west of the application site former development has been cleared in advance of a Harold Hill Ambitions Project which also includes the Library, Youth Centre and the existing car park at Abercrombie House. Directly outside the site to the south is a bus stop and there is also marked pavement parking and a couple of street trees.

2. **Description of Proposal**

- 2.1 The proposal is for the levelling out of an area to the south of the building to provide a car park with a new vehicular access from Hilldene Avenue. The proposed vehicular access to the site would replace the exiting pedestrian access onto Hilldene Avenue and provide 10 parking spaces - two of which would be of the larger disabled users standard size. Retaining walls would be provided to the ramp down and around the edge of the raised hardstanding area. The maximum height of the proposed parking area from existing ground level would be 0.35m with a retaining wall with a maximum height of 0.46m with railings on top at a height of approximately 0.9m. The proposal would also include a pedestrian emergency access part and gate onto Hilldene Avenue skirting around the eastern side of the proposed parking area.
- 2.2 It is proposed to remove the existing trees within the site and along the western boundary replacing the boundary trees with 1.8m high palisade fencing. The beech hedge along the Hilldene Avenue frontage would be retained, with the exception of where the new pedestrian access exits onto the highway. It is proposed to provide 1.8m high palisade fencing to the rear edge of the Hilldene Avenue and along the boundary with 253/257 Hilldene Avenue alongside the new emergency footpath replacing the existing chain link fencing.

3. **History**

- 3.1 None relevant.

4. **Consultation/Representations**

- 4.1 92 neighbouring occupiers were notified of the proposal. There were no replies.
- 4.2 The Metropolitan Police Crime Prevention Design Advisor has written to indicate that as security features from part of an on-going project that he raise no issues and that no planning conditions are necessary.
- 4.3 Transport for London have written to advise that there would be no detrimental impact on passenger access to buses stopping here (providing the bus stop is moved as indicated on the plans).

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways. As such, Policies DC2, DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan are relevant. Also relevant are The London Plan Policies 6.11, 6.13, 7.4 and 7.6 and the NPPF.

Principle of development

- 5.2 The proposal is for the re-provision of an existing car park area to the south of the existing building with a new vehicular access onto Hilldene Avenue. Policy DC32 indicates that development would be acceptable providing it does not result in any highways safety issues which affect the free flow of the road network and Policy DC33 (which also refers to Policy DC2) relate to parking associated with residential development. It is considered that parking is required in connection with the existing development and that the proposal to relocate the existing parking area and provide a new vehicular access would therefore be acceptable in principle, subject to the details also being acceptable.

Design/Impact on Streetscene/rear garden environment

- 5.3 The proposal would involve the levelling out of the application site such that a retaining wall of a maximum height of 0.46m above the existing ground level would be provided together with a vehicle ramp sloping down onto Hilldene Avenue. Railings would be provided on top of the retaining wall to a height of 0.9m. All trees would be removed from the western boundary of the application site and palisade fencing of 1.8m in height would be erected along the flank boundaries and the front boundary to Hilldene Avenue. The palisade fencing to Hilldene Avenue would, unlike existing close boarded fencing, be located closer to the highway such it would be in advance of the existing Beech hedge. The proposed development would open up views of and into the application site nonetheless the car park itself would be limited in height above existing ground level and would be mainly screened by the retained Beech hedge to the Hilldene Avenue frontage. Staff therefore consider that the proposed development would not result in any significant adverse impact on visual amenity in the streetscene in line with Policy DC61, providing the proposed colour application to the palisade fencing is suitably muted and the proposed bin store is screened from direct view.
- 5.4 The car park would be provided to the side of No. 253/257 Hilldene House. A new improved play area would be located to the eastern side of the building to compensate for the loss of the grassed area to the south which would align with the rear garden area of these flats. The level of the car park and the provision of 1.8m high palisade fencing (replacing chain link fencing) to this boundary would not it is considered result in any adverse impact in the rear garden environment.

Impact on Residential Amenity

- 5.5 The nearest residential properties are those to the east and north of the application site. Those most affected by the proposal would be No.s 253/257 Hilldene Avenue.
- 5.6 The proposal would introduce a car park to the site where there is currently a grassed play area. The proposed vehicular access would be located to the far side in relation to the Hilldene Avenue Properties. While it is unusual, few

properties to this side of Hilldene Avenue to the east of the application site have hardstanding to the front for vehicle parking. This is partly due to the deep green further to the east but also due to marked out pavement parking and that the directly adjoining buildings are flats. The proposal would therefore introduce an element of noise and car-borne activity to the application site where none currently exists.

- 5.7 Nonetheless, the site is opposite the main shopping area in Harold Hill and there is a heavily used bus shelter directly outside the site which takes passengers to and from the shopping centre and other community buildings to the west of the application site. Staff do not consider in the light of the general noise and activity levels that the noise, lights and manoeuvring activity associated with up to 10 vehicles using the parking area would result in significant harm to the existing residential amenity of the occupiers of No.s 253/257 Hilldene Avenue.
- 5.8 The raised parking area would be 0.35m above existing ground levels. Staff consider that as the existing fencing would be retained to this neighbouring rear garden, that there would not be any overlooking or privacy issues raised as a result.
- 5.9 Occupiers within Abercrombie House would not be screened from the parking area, nonetheless parking is proposed on the opposite side of the driveway/access such that there would be a reasonable separation distance (about 6m) between the building and parked vehicles. As the occupants of Abercrombie House will be the beneficiaries of the parking area Staff consider that any noise etc. associated with the relocated parking area would not be so harmful to their amenities as would the loss of a parking area itself.

Highway/Parking

- 5.10 Abercrombie House currently provides Hostel-type accommodation. As such, Annex 5 of the LDF indicates that 1 space should be provided per 2 resident spaces. There are 33 units such that 15/16 spaces would be expected. However, Annexe 5 indicates that the level of parking will depend on the type of hostel accommodation owing to the wide variation in parking demand generated by different types of hostels. The applicant indicates that the proposed 10 parking spaces would meet their normal demand levels.
- 5.10 Suitable refuse and recycled materials storage and cycle store conditions can be attached to any grant of planning permission, partly to ensure that they result in no significant impact on visual amenity.
- 5.11 The proposal for a new vehicular access would result in the need for highway works including the relocation of the existing bus shelter, removal of at least 1 street tree and the provision of new road and pavement markings relating to the bus stop and marked on-pavement parking spaces. A suitable condition would be attached to ensure that details are acceptable

before works commence and that they are in place prior to first use of the car park.

5.12 There are no highways objections to this scheme.

Other issues – secured by design

5.13 As the security measures to the car park form part of a package of on-going security measures, the Crime Prevention Design Advisor has no specific objections.

5.14 A number of trees would be removed from the application site to provide the new parking area and vehicular access. The Beech hedge to the southern boundary with Hilldene Avenue would be retained between the retaining wall/railings to the car park area and the proposed 1.8m high palisade fencing to the boundary with the footway. The proposed SUDS drainage system to be employed should ensure that the hedge is maintained. A suitable condition would be attached to ensure that if it fails, that it is replaced.

6. Conclusions

6.1 Staff consider that the proposal would be acceptable in principle and, would not have an adverse impact on residential amenity. And, that it would be acceptable on other grounds in accordance with policies contained in the LDF.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

7.1 None

8. Legal Implications and risks:

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

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.

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

REPORT

19 July 2012

Subject Heading:

P0412.12 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 28/03/2012, revised plans received 29/5/12)

Proposal

The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 5 of the former Harold Wood Hospital, for the development of 105 dwellings, plus associated infrastructure and car parking.

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input 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

Members will recall that the Committee resolved to grant outline planning permission for the redevelopment of the former Harold Wood Hospital site at its meeting of 28 October 2010 subject to the prior agreement of a S106 legal agreement. The legal process has now been concluded and the S106 and planning permission have been issued. Members have previously considered full applications for the construction of the spine road and Phases 1a and 1b and a reserved matters application for Phase 3b of the residential development. This reserved matters application is for the next phase of development, Phase 5 which proposes 105 dwellings, plus associated infrastructure, open space and car parking.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. The development is further considered to be acceptable in all other respects.

It is concluded that the reserved matters application should be approved.

RECOMMENDATIONS

That the Committee resolve that reserved matters permission be granted subject to the following condition:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications as listed above on this decision notice.

Reason:-

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

2. The roof areas of Block R hereby permitted as shown on drawings 13714 : 05-201-DR-412-003_02 and 13714 : 05-201-DR-412-005_01 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

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

3. Notwithstanding the details shown on drawings 13714 : 05-201-DR-412-002 to 003 and 05-201-DR-413-002 the balconies for flats R1-1.3, R1-2.3 and R1-3.3 shall be installed with a full height obscure glazed privacy screen on their north east side to the satisfaction of the Local Planning Authority and shall be permanently retained thereafter.

Reason:-

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

4. The proposed windows shown on the north east elevation of Block R as shown on drawing 13714 : 05-201-DR-413-002 "North East Courtyard Elevation" shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) or other such means of preventing overlooking, shall remain permanently fixed shut or the opening shall be so limited as to deny direct overlooking of adjacent dwellings and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

5. Prior to the first occupation of the development a car parking management scheme for Phase 5 shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of car parking allocation and the measures to be used to manage the car parking areas. The scheme shall be implemented in accordance with the approved details prior to the first residential occupation of the development and such measures shall be maintained and retained permanently thereafter.

Reason: In the interests of highway safety and to ensure the parking areas are made permanently available for use by the residents of the development.

1. Reason for Approval

This decision to grant planning permission has been taken

- i) having regard to Policies CP1, CP2, CP7, CP15 and CP17, of the LDF Core Strategy Development Plan Document; Policies DC2, DC3, DC6,

DC7, DC20, DC21, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC58, DC59, DC60, DC61 and DC63 of the LDF Development Control Policies Development Plan Document; Policy SSA1 of the LDF Site Specific Allocations Development Plan Document; Policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.12, 5.13, 5.16, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6 and, 7.19 of the London Plan 2011, and the National Planning Policy Framework .

- ii) for the following reason: The proposed development would be in accordance with the aims and objectives of the site specific policy by providing the second phase of a residential redevelopment of the site. The proposal would provide affordable housing and would relate satisfactorily to its surroundings and neighbouring development and can be accommodated on the site without any materially harmful visual impact or any significant adverse impact on residential amenity. The proposal incorporates sufficient communal and private amenity space within a development of high quality design and layout. The impact arising from residential traffic from the development would be acceptable within the locality. The proposal meets the objectives of national, regional and local policies by being sustainable development making efficient use of land and providing residential development with easy access to facilities without adverse impact on residential amenity.

REPORT DETAIL

1.0 Site Description

- 1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.
- 1.2 The hospital site is of irregular shape and covers an overall area of approximately 14.58 hectares, including the retained uses. This application relates to an area of 1.61 hectares towards the south western end of the site. The site is bordered on three sides by the wider redevelopment site, with the site of Phase 3b immediately to the south west. The only external boundary is with the railway line to the south east.
- 1.3 The former hospital buildings towards the north east of the site have now been demolished. The majority of the site comprises the former highways, parking areas and undeveloped, overgrown open space, with several mature trees.
- 1.4 Vehicular access to the site will be from the yet to be constructed spine road granted full planning permission under P0230.11 which will link the site to

Nightingale Crescent and Lister Avenue to the west and the eastern portion of the Spine Road which was granted planning permission under P1703.10.

2.0 Description of Proposal:

- 2.1 The proposal is a reserved matters application for siting, design, external appearance and landscaping pursuant to outline planning permission P0702.08 in relation to Phase 5 of the redevelopment of the former Harold Wood Hospital site. This would consist of 105 dwellings in two blocks (R and V) providing 14 no. 1 bedroom flats and 30 no. 2 bedroom flats plus 17 No. 2 bedroom, 28 No. 3 bedroom and 4 No. 5 bedroom houses.

Siting and Scale

- 2.2 Block R is proposed as a L-shaped block with its longer 46.5m north western flank parallel to the spine road and its shorter 36m flank running parallel to road 2 which also provides access to the parking court for the block and the adjacent proposed development of Phase 3b. The block would be predominantly 4 storeys (maximum 14.2m height), staggered to accommodate changing ground levels, with the exception of a two storey (7.7m high) element on its far north east side
- 2.3 Block V is proposed as a largely rectangular 3 storey block with maximum dimensions of 23m on its north east flank and 17m on its south east side and a maximum height of 11.2m. The block would be located on the north west side of road 3 and would back onto and share the parking court for Block R described above.
- 2.4 The housing would comprise of terraces of two and three storey houses fronting onto the spine road, three side roads and a road that runs parallel to the ecological corridor along the south east boundary of the site with the railway. One pair of 3 storey wheelchair accessible semi detached houses is proposed facing onto the spine road at the northern corner of the site.

Access and Parking

- 2.5 Access into the site would be at four points from the new Spine Road. This would include the access from the road serving Phase 3b at a point to the north east of the widened corner of the spine road. Access into this site would then be taken from a point close to the eastern corner of the Phase 3b site adjacent to the boundary with the railway cutting and would serve the parking courtyard for Blocks R and V. The other three access roads would all be directly perpendicular to the spine road and would be linked by a road running parallel to the south east boundary of the site with the railway cutting.
- 2.6 A total of 84 parking spaces would be provided giving a parking ratio of 0.5 space per apartment and 1 space per house. This would include 10 wheelchair spaces to serve the 10 wheelchair / wheelchair adaptable units

plus 1 wheelchair accessible space per apartment block core. The parking is to be provided in a variety of arrangements, including a parking courtyard around the turning head for blocks R and V together with spaces parallel and perpendicular to the other access roads and in-curtilage spaces. One cycle storage space per unit would be provided either by way of secure internal communal ground floor areas within the blocks or within rear gardens or front garden bike stores for the housing.

Design and External Appearance

- 2.7 Block R would comprise of 13 no. 1 bed and 30 no. 2 bedroom units of which 4 no. ground floor units would be wheelchair accessible. Five ground floor units at the south western end of the block, including one wheelchair accessible unit would be externally accessible with the remainder of the units being served by four communal entrances, two each on the spine road and parking/amenity courtyard side of the block. All ground floor units would be provided with their own semi-private terrace, with each flat on other floors having its own balcony.
- 2.8 The design approach for Block R responds to the sloping site topography which rises to the north east with a step in the flat roof-line and ground floor between the two four storey halves of the building. The block reduces to two storeys in height at the north eastern end. The aluminium roof balustrade capping of each section is continued as a vertical feature between the two halves on the frontage to the spine road. The main entrances onto the communal landscaped courtyard and are defined by a glazed stair core. The columns of external balconies would be framed by a rainscreen cladding balcony supporting the shape of an inverted U, with recessed and projecting bays defined by material contrasts between render and brickwork. The materials to be used would be drawn from a palette of materials that follow the theme established by previous approved phases of the redevelopment.
- 2.9 Block V would comprise of 12 no. 2 bedroom units all of which would be accessed via the communal entrance from Road 3. All ground floor units would be provided with their own semi-private terrace, with each flat on other floors having its own balcony.
- 2.10 Block V is a more compact 3 storey flat roofed block following a similar design theme to Block R but without the stepped storey heights. As with Block R rainscreen cladding is again used as a feature to frame and define the externally expressed balconies. Red brickwork and white render would be used alternately to define projecting and recessed elements of the block, with a glazed stairwell and projecting grey clad vertical box window as an additional feature on the north east elevation.
- 2.11 The housing proposed comprises a variety of flat roofed two storey and part flat part pitched roof three storey houses. The two storey houses would be terraced and face onto road 6 (the most north eastern side road) and

towards the rail cutting along the link road that runs parallel to the boundary. The three storey houses would be predominantly terraced facing onto the spine road and the proposed public open space between roads 3 and 5.

- 2.12 The design of the housing incorporates many features that have been established within Phases 1a and 1b of the redevelopment. The terraced housing fronting onto roads 3 and 5 and the public open space are based around the design used for house types 4 and 6 within phase 1B with a combination of yellow and red bricks, timber boarding and white render. The houses within the terraces are paired together with a gable shared between the two houses and a flat roofed element in-between. The inverted U-frame, a common design feature throughout the development, is used in red or yellow brick to frame the ground and first floor of the gabled element with white render above. The gable would also project forward of the flat roofed section. To the rear the houses would incorporate a single or two storey flat roofed projection, dependent upon the number of bedrooms and size of dwelling proposed.
- 2.13 The terraced housing and pair of semi-detached housing facing onto the spine road are similar in design to those described above, but with a greater proportion of render to the front gable and the second floor windows following the pitch of the roof.
- 2.14 The terraced housing on spur road 6 and facing onto the ecological corridor and link road adjacent to the railway boundary is all proposed as two storey and flat roofed. The design incorporates several elements from other house types, including window columns interspersed with timber cladding and each terrace being identified by a different main finishing material – yellow brick, red brick and white render.

Landscaping and Amenity Space

- 2.15 The application includes detailed proposals for the hard and soft landscaping, including retained trees, which are intended to fulfil the requirements of the relevant conditions of the outline permission for this phase of the development. This includes an area of public open space between roads 3 and 5 as identified on the site layout plan as “The Green” and the provision of a band of mixed native buffer planting along the south eastern boundary with the railway. Various biodiversity measures including bird and bat boxes are shown to be incorporated into the development. Details of all surface treatments are also included.
- 2.16 The gardens to the houses vary in depth from 7m to 16m and in width from 4.5m to 10m. Blocks R and V would share an area of approximately 350m² of usable amenity space.

3. Relevant History

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

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

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

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

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

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

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

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

P1002.11 - Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping – Approved

P0243.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3B of the former Harold Wood Hospital, for the development of 74 residential apartments, plus associated infrastructure and car parking - Approved

4. Consultations and Representations:

4.1 Consultees and 133 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press.

4.2 Two letters of representation has been received. One raises concern that

the development would not reflect or be in keeping with the character of Harold Wood and would stand out as a new development. It is suggested that the development would be deficient in amenity and open space and would not be child friendly. The other requests no public footpath to the rear of Long Grove, no buildings which would overlook those properties and a footpath link from Nightingale Crescent through the development to link with Gubbins Lane.

Consultee Responses

Borough Crime Prevention Design Advisor – Reiterates that designing for community safety is a central theme of sustainable development. A number of detailed design points and considerations are highlighted.

Environment Agency – No objections.

LFEPA – Advise that the access road should comply with the relevant regulations.

London Fire Brigade – Advise of the need for four fire hydrant to be located within the footpath.

Natural England – No objection. The Council's obligation to assess and consider the possible impacts arising from the development and to seek biodiversity enhancement is reiterated.

Thames Water - no observations.

Essex and Suffolk Water – No objections

Streetcare – 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
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP15 (Environmental Management) and CP17 (Design) of the Local Development Framework Core Strategy are considered relevant.
- 5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 Sustainable Design

and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees), DC61 (Urban Design), DC63 (Delivering Safer Places), of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.

- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) are considered to apply. There is also a range of Supplementary Planning Guidance to the London Plan, including 'Providing for Children and Young People's Play and Informal Recreation' that are considered to be relevant.
- 5.5 The National Planning Policy Framework is a further material consideration.

6.0 Planning Considerations

- 6.0.1 The principle of the residential redevelopment of the Harold Wood Hospital sites has been established by the outline planning permission P0702.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology and ecology have all previously been considered by the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.
- 6.0.2 The main issues arising from this application for reserved matters approval are therefore considered to be the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; housing density, tenure and design, site layout including proposals for hard and soft landscaping of the site, massing and street scene implications, impact upon residential amenity, highways, parking and accessibility, sustainability and flood risk.

6.1 Principle of Development

- 6.1.1 The outline planning application was submitted with an indicative masterplan and a number of development parameters and parameter plans

as the means by which the design concepts for the redevelopment of the site would be translated into a framework for the future submission of reserved matters. The parameter plans showed the land uses, development, landscape strategy, access and movement, density and building height across the site to demonstrate how new development will work within the site and how it would relate to neighbouring development. The illustrative masterplan demonstrated one way in which this could be translated and forms the basis on which this reserved matters application has been submitted.

- 6.1.2 The outline permission included a condition (Condition 7) which required that the development should be carried out in accordance with the parameter plans and in general accordance with the corresponding strategies within the Design and Access Statement and other documents. The condition also states that any deviation from these can only be made if it is agreed by the local Planning Authority that such deviation would not give rise to any adverse environmental effects which would have otherwise required mitigation. The parameters therefore act as a check to ensure that reserved matters follow principles established by the outline permission and a benchmark against which to assess subsequent reserved matters submissions.

6.2 Density, Siting and Layout

- 6.2.1 The overall density approved in principle at Outline stage provided for an average of 64 dwellings per hectare across the whole development site. The density was designed to vary according to the location within the site to reflect the nature of surrounding development and the proximity to public transport. Phase 5 is located within an area identified as Block C in the Density Strategy parameter plan where an overall density of 75 units per hectare should apply. The number of units proposed in this phase is 105 on a site area of 1.61 hectares, which equates to a density of 65 dwellings per hectare. Block C, however, has an overall area of 3.53 hectares and two further phases (3A and 3B) will deal with the remaining larger portion providing 88 and 74 units respectively, with 3B already having been approved by Committee. The overall resulting density is therefore anticipated to be 75 units per hectare which is in accordance with the density parameters established by the Outline application and in turn, in accordance with the requirements of Policies SSA1 and DC2.
- 6.2.2 The approved Building Height Strategy Parameter Plan identified the site of Phase 5 as being part two storey (6 to 9m in height), part 3 storey (9 to 12m in height) and part four storey (12 to 15m in height). Block R incorporates a four storey element with a height of 13.25m which would encroach 6.3m into the three storey zone on its north eastern side. The four storey south western flank of the block also extends slightly beyond the four storey zone into an area identified in the parameter plans for access purposes. Block V extends slightly outside the 3 storey Building Height Parameter Plan zone on its south eastern side where it would project slightly into an area which is

partly undefined but also identified as a tree lined route and wildlife corridor. In a similar manner the semi-detached pair of houses A1 and A2 and the frontage of the terrace A3 to A8 extend by a limited amount outside the defined Building Height Parameter Plan zones into areas defined for access purposes. The units in question are 2 and 3 storeys in height whereas one of the zones within which they are located is identified for four storey development, so the heights proposed are well within that identified by the Height Parameter Plan.

- 6.2.3 The judgement to be made is whether these encroachments will give rise to any significant impacts that were not envisaged as part of the outline application and whether these would, in turn, require any mitigation which was not considered as part of the previous Environmental Impact Assessment.
- 6.2.4 Looking first at the extent of the encroachments, this has to be considered against the maximum height and extent of the zones into which they encroach. The extent of the 3-storey zone as defined on the approved Building Height Strategy Parameter Plan, into which Block R projects, would potentially allow for a building up to 9m in height.
- 6.2.5 The main impact arising from the projection of the four storey element of Block R into the 3 storey zone is to bring that part of the block which is 1.25m higher than specified as the maximum height in the 3 storey zone closer to the rear of the properties fronting onto Road 3. The impact of this upon those properties and the street scene are considered elsewhere in the report and are not matters that would require specific mitigation through the EIA process. Similarly, staff are satisfied that the instances where other encroachments are proposed as described above, are matters for detailed consideration in terms of street scene and other issues elsewhere in the report, rather than cases which raise specific concerns which would have necessitated mitigation through the EIA process as their impact is not considered to be significant on adjacent properties.
- 6.2.6 Accordingly, staff are satisfied that the magnitude of the encroachments are not significant, and that any resulting environmental issues arising are not on a scale that would give rise to adverse environmental impacts requiring any specific mitigation which was not identified within the Environmental Statement. On that basis staff are satisfied that there is no conflict with the condition which requires the development to be carried out in accordance with the parameter plans and Condition 7 of the outline planning permission as set out in paragraph 6.1.2.
- 6.2.7 In terms of layout the scheme has been derived from a detailed testing of the illustrative layout used for the outline application. The scheme has been developed paying close attention to the site topography, movement and access desire lines, relationship to other parts of the redevelopment and within the site, maximization of landscaping and amenity space and the

desire to minimize the impact of the parking and maximize the overlooking of any parking.

- 6.2.8 Block R creates strong frontages to the spine road and to Road 2 where they will provide focal points when viewed from the spine road which will assist with way marking when viewed from the west and when entering the site from Lister Avenue. Block V combined with Block R will also create a strong sense of enclosure and natural surveillance of the parking area and communal amenity areas which would provide useable and functional open space for the blocks.
- 6.2.9 The housing layout forms traditional street blocks with separate access to rear gardens for the majority of units via gated walkways. The spur roads offer broad and attractive routes towards the ecological corridor along the railway cutting boundary. These are enhanced by the public open space between roads 3 and 5 and by the opening vista as you travel from the spine road on spur road 6 towards a significant preserved Oak tree and amenity green at its eastern end.
- 6.2.10 The layout overall achieves a level of separation from the boundary with the railway which is generally in excess of 10m and would only be less than this (7m) in respect of Block V where a pedestrian/cycle link is proposed rather than the roads which separate the development from the wildlife/landscape corridor and the boundary with the railway cutting. The layout therefore minimises the potential impact on the adjacent railside Site of Importance for Nature Conservation. All ground floor units are provided with a semi-private terrace area for sitting out with those areas adjacent to the highway which are not identified for terrace use being allocated for defensive planting.

6.3 Design, Residential Quality and Open Space

- 6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.
- 6.3.2 The design of the Block R maximises the number of ground floor entrances although the sloping nature of the land and the requirements for a level threshold limit the potential for all ground floor units to have their own external front door. Nevertheless the block has nine entrances, including five ground floor units with their own entrance, which in combination with the communal entrances is considered by staff to create a sufficiently lively streetscene around the building.
- 6.3.3 The blocks incorporate several design features that are recurrent with Phase 3b, including the use of architectural framing, roof edge detailing,

grouping of balconies, glass fronted stair cores and distinctive material changes. Many of these have been established in turn by the first two phases to be approved and staff are satisfied that they continue the theme and offer suitably distinctive and high quality architecture with attention to detail and context whilst creating an attractive place where people will want to live.

- 6.3.4 The scheme has been developed jointly with the Housing Association that will manage the units and will offer accommodation built to Lifetime Homes requirements throughout. In addition the scheme incorporates 10 units which are intended to be wheelchair accessible from the outset. The development is therefore in accordance with Policy DC7.
- 6.3.5 The design of the flat blocks limit the number of single aspect units and all units will offer acceptable levels of daylighting and sunlight for future occupants. All units will have access to the courtyard amenity area which will offer a communal facility where overlooking is maximised with the intention of engendering a feeling of ownership and safety. In addition each ground floor unit will have access to their own terrace and each property above ground floor will have access to a generously proportioned balcony, which will provide both defensible space and an area for sitting outside. Block V in addition will have ready access to the new public open space proposed as part of this phase.
- 6.3.6 The housing designs have been developed from those in Phases 1a and 1b but without the rooftop terraces, front balconies and deep eaves overhangs that characterised those phases. The housing with frontages along the spine road together with tree planting and landscaping will all help to define the spine road as the key access through the site. The three storey housing proposed is considered by staff to be of high architectural quality and individual character that will provide an attractive streetscene along the new spine road and spur road.
- 6.3.7 The two storey housing in turn is also a development of the flat roofed mews style housing proposed in Phase 1b. It incorporates several features which tie it in to other areas of the site and corresponds to the design character for this part of the site established by the outline parameter plans. The frontages display an attractive rhythm with contrast provided by the alternating use of materials between the terraces. Spur road 6 where these style of properties are proposed opens out at its eastern end which staff consider will provide an attractive, well landscaped and spacious setting for the houses.
- 6.3.8 This phase of the development incorporates a public open space in accordance with the parameters plans which formed part of the outline consent. This will provide an enhanced setting for the dwellings that surround it as well as an important area for play, informal recreation and relaxation.

6.4 Landscape Strategy and Biodiversity Enhancement

- 6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. Areas of road and driveway are indicated in block paving with conservation kerbs used for all adoptable highways. Two significant trees are retained within this part of the site, with the roads and development kept clear of the tree root zone to ensure their successful retention and integration into the development. Extensive planting of trees and shrubs around the boundaries of the site, within rear gardens and along the new roads is proposed which will enhance the boundary with the Railside SINC and provide an attractive street scene and setting for the new blocks and housing.
- 6.4.2 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi- public and private areas of the site, defining the edges and giving structure to the public open space as well as providing an attractive feature in the street scene.
- 6.4.3 A Local Area for Play (LAP) is proposed within the public open space which is in accordance with the outline scheme and will ensure that this part of the development meets the play space requirements of the Mayors SPG.
- 6.4.4 As well as the planting of native trees and shrubs on the site the buildings will also incorporate integrated bird and bat boxes. A 3m wide ecological corridor is also proposed along the south east boundary where log piles will be positioned to attract invertebrates, as well as the native planting which is proposed to enhance the existing flora. The southern edge of the public open space is to be left open to enhance the utility of the area as a “Green Link” between the spine road and the ecological corridor and SINC. This would be in accordance with the parameters set for the development and in compliance with Policy DC59.

6.5 Impact on Adjoining Sites and Residential Amenity

- 6.5.1 The site does not have any boundaries with established existing residential areas and the impacts to be considered are confined to those within the site and on other phases of the redevelopment.
- 6.5.2 Block R incorporates a two storey section on its north east side closest to the rear gardens of the houses fronting onto road 3 which back onto it. This gives a 17m separation between the rear of the closest house and the four storey element of Block R which is considered to mitigate the overbearing bulk that the block would otherwise present. Conditions are, however, suggested to ensure that the flat roofed area of the two storey section cannot be used as a roof terrace, to ensure the provision of an obscure glazed privacy screen to the side of the balcony serving the first floor flat R1-1.3 closest to the boundary and to ensure that any windows in the flank

wall facing the boundary are installed with obscure glazing in order to prevent direct overlooking towards the said houses. The separation between Block R and Block S in phase 3b would be 13m at its closest point, but the potential for loss of privacy would be mitigated by the fact that the windows in block S facing towards block R either serve a bathroom or are secondary windows to the living room where such issues could be addressed by net curtains.

6.5.3 Block V would project 5m to the rear of the adjacent house but would also be set in 2.5m from the boundary which staff also consider would result in an acceptable relationship.

6.5.4 The configuration of the housing whilst quite tight in places is nonetheless a quite conventional street block arrangement and no overriding concerns relating to overlooking, overshadowing or loss of privacy are foreseen by staff.

6.6 Transportation, Highways and Parking

6.6.1 The scheme incorporates new public highway and access roads which are designed to an acceptable standard with adequate space for turning and servicing.

6.6.2 The car parking is provided in a variety of forms - at right angles and parallel to the access roads, in curtilage and in relation to Blocks R and V within a parking courtyard which also provides a turning head for the access road. .

6.6.3 The level of parking would allow for one space per two units for the flats and one space per unit for houses. The Housing Association could decide to allocate the non designated spaces if required. This level of car parking is acknowledged to be low but does reflect Government Guidance and the views of Transport for London and the Mayor that parking levels should be reduced where there is good access to transport facilities and the prospect of improved accessibility to public transport in the area. Consideration also needs to be given to the S106 legal agreement which imposes a restriction on the ability of occupiers to apply for permits in any controlled parking zone (CPZ) in operation outside of the site. It also requires financial contributions to enable a review and extension of the existing CPZ and the promotion and support for a new bus route through the site, as well as requiring the submission of a Residential Travel Plan. There is a condition on the outline permission which requires the submission of a car parking review prior to the commencement of each phase.

6.6.4 There is a judgement for Members to make in respect of the level of parking, which could be considered to be below the level recommended by DC2 which would normally require 1–1.5 spaces per unit. However, the parking requirement for the site as set out in Site Specific Policy SSA1 is expressed as a maximum rather than a minimum requirement. The parameters for the development require that the overall level of provision on

the site should equate to 1.5 spaces per unit and higher levels than this have been agreed overall for Phases 1a and 1b. It is therefore anticipated that higher levels of parking will be provided for future phases of the development where larger units are to be provided in order to bring the overall level of parking up. On this basis Members may agree that it would be inappropriate for a greater number of spaces to be provided for this part of the site which comprises entirely affordable housing units. There will be a significant onus on the Housing Association to manage the parking on this part of the site and a condition is proposed requiring a car parking management strategy to be submitted. On balance, staff are satisfied that this, together with the various obligations contained within the S106 legal agreement will be sufficient to ensure that there will be no adverse effects outside the site and that the parking proposed will be sufficient.

6.6.5 The parking is provided in a manner which does not unduly impinge upon the appearance of the development and will enable the provision of significant amounts of on street planting and landscaping. The parking is also largely located in positions where there will be good overlooking of the parking spaces from adjacent properties. All potential wheelchair adapted ground floor units and houses would have an identified parking space located either within curtilage or as close as is reasonably practical to the respective units.

6.6.6 In terms of overall impact upon the highway network, the 105 units proposed will be accessed from Nightingale Crescent which did not previously serve as an access to the hospital. Although the level of use here will increase the Transport Assessment carried out for the outline application demonstrated that this would not cause any unacceptable strain on the existing network. No objections are raised.

6.7 Housing

6.7.1 This Phase of the redevelopment of the former hospital site would be developed entirely as affordable housing, although independently of the amount of affordable housing that the applicants are obliged to deliver as part of the S106. The proposal offers a variety of housing, including flats and houses of size varying from 1 to 5 bedrooms and will thereby provide for the full range of housing need identified for those on the Council's housing waiting list which would be in accordance with the policy requirements of Policy DC6.

6.8 Sustainability

6.8.1 The outline permission included conditions requiring the installation of photovoltaic panels and renewable energy systems in accordance with the approved Energy Strategy. All the dwellings within Phase 5 are proposed to be affordable and are therefore required to achieve Code for Sustainable Homes (Code) Level 4. In addition to the energy efficiency measures to be employed in the building and in its construction the blocks will share the use

of a high efficiency condensing boiler within an energy centre in block T providing community heating and hot water as well as employing mechanical ventilation with heat recovery. The proposals for Phase 5 also include the provision of photovoltaics on the roofs of both blocks and on the houses giving a total area of 573m² with the houses also being provided with high efficiency condensing boilers. Staff are satisfied that the combination of measures will be sufficient to satisfy the requirements of the conditions and the related policies that these stem from.

6.9 Conclusions

- 6.9.1 Having regard to the above it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.2 to 5.4.
- 6.9.2 Staff consider that this reserved matters application for the fourth phase (Phase 5) of the redevelopment of the former Harold Wood Hospital site will continue to display the benchmark of the quality established by the previous phases, both in terms of the residential accommodation and environment. This is in line with the illustrative master plan and the Design and Access Statement for the outline application. The scheme promises to deliver a sustainable, safe and attractive development for new residents in a form that maintains the residential amenity of existing residents.
- 6.9.3 It is recommended that the reserved matters application for Phase 5 of the development be approved

IMPLICATIONS AND RISKS

Financial implications and risks:

None arising.

Legal implications and risks:

None arising

Human Resources implications and risks:

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

Equalities implications and risks:

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

BACKGROUND PAPERS

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

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Regulatory Services Committee

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OUTSIDE STATUTORY PERIOD

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11-21	P0259.11	Rainham & Wennington	22 Lamson Road, Rainham
22-27	P0427.12	Hyland	28 Harrow Drive Hornchurch
28-35	P0451.12	Upminster	Industrial building adjacent to Franks Farmhouse, Franks Farm, St Mary's Lane, Upminster
36-43	P0493.12	Romford Town	91 Waterloo Road, Romford
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APPLICATION NO:	P1347.11	
WARD :	Rainham & Wennington	Date Received: 15th September 2011 Expiry Date: 10th November 2011
ADDRESS:	48 Warwick Road Rainham	
PROPOSAL:	Demolish existing industrial unit and erect part2/part3 storey building comprising 6 flats with associated parking, cycle store, bin store and amenity space outline Revised plans received 30-05-2012	
DRAWING NO(S):	2700/TP/01; -02 2700/TP/03D; -04G; -05G	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

BACKGROUND

This application was previously considered at the Regulatory Services Committee on 23rd February 2012, with Members resolving that planning permission should be refused. Members considered that the proposal was unacceptable on grounds of the proposed building's excessive bulk and overbearing form being harmful to character and appearance of streetscene.

Unfortunately, due to human error, the revised elevations which had already been received were not displayed at the meeting. In the circumstances, from a legal point of view, it could be judged that the decision to refuse permission based on incorrect information was unsound. In the light of this and in fairness to all parties, it is considered necessary to re-present the proposal to Committee with the correct revised plans available to view. The applicants have taken the opportunity to make a drafting change to the rear part of the single-storey section to add matching roofing materials details and to correct other minor drafting errors resulting in various revisions which were the subject of further consultation. Since the report itself originally addressed the revisions, there is no change to the remainder of this report, which is as presented on 23 February 2012 with an update in the section on Consultation Responses.

Also, since February 2012 the London Mayor has issued his requirement for all proposals with decisions made after April 1 2012 to make a contribution towards infrastructure projects known as Community Infrastructure Levy or CIL Liability. The scheme is liable for this payment and a suitable paragraph has been added to the original report.

SITE DESCRIPTION

The site comprises an existing single-storey commercial unit at No.48 together with 4 lock-up garages to the rear of No.50, 50A and 50B Warwick Road. The site is roughly rectangular, some 35m deep and 16m wide (increasing to 27m wide to the rear). There are two accesses, one to No.48 and a second one to the garages to the rear of the flats at No.50. The surrounding area is mainly residential to Warwick Road, mainly one and two storey but with some 3-storey town houses at the cul-de-sac end to the West of the application site. Also to this end are two-storey works buildings; some of which are currently vacant.

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DESCRIPTION OF PROPOSAL

The proposal is an outline application for the demolition of the existing industrial unit and the erection of a 1-2-storey building with accommodation in the roof space comprising 6 flats with 10 parking spaces (8 to the rear and two to the front), cycle store, bin store and amenity space.

Matters to be considered at this stage are access, scale, appearance and layout with landscaping to be determined as reserved matters at a later stage.

The access is proposed to the western boundary and the proposed layout for the building to be sited to the road frontage with amenity space, car parking, bin and cycle storage in the rear garden area. The proposed building would have a maximum ridge height of 9.35m, width of 12.5m and length of 13.4m. It would have hipped, pitched roofs in traditional materials.

RELEVANT HISTORY

- P0106.11 - Demolish existing industrial unit and erect part2/part3 storey building comprising 7 flats with associated parking, cycle store, bin store and amenity space
Withdrawn 21-06-2011
- P1995.08 - Demolition of existing industrial buildings and erection of one block of 7 flats with associated parking and amenity space.
Refuse 23-03-2009
- P0380.08 - Demolition of existing industrial buildings and erection of one block of 8 flats (2x1 bed, 6x2 bed) with associated parking
Refuse 10-06-2008
- E0011.07 - Storage and auxilliary office use accommodation
PP is required 07-09-2007
- P1399.89 - Replacement spray booth for sp raying cars (revised plans received 12/10/90)
Refuse 14-02-1991

CONSULTATIONS/REPRESENTATIONS

35 adjoining and nearby occupiers were notified of the proposal. There were 13 letters raising objections on the following grounds:

- the proposal does not address parking and traffic as an increase of 6 properties will create further problems of congestion
- a block of flats is not appropriate as there is limited on-street parking
- too little on-site parking proposed
- overdevelopment/too high density
- upto 12 people could live in the flats which is too many for such a small site
- overlooking of existing flats at No.50 Warwick Road
- undue noise and activity due to main entrance close to side boundary with adjoining residential property
- the existing use is unauthorised and shouldn't be a reason to allow development
- the scheme is almost identical with earlier proposals except for the differences
- the proposal is too close to the boundary with the adjoining semi-detached bungalows
- it will excessively extend beyond the rear of existing adjoining properties
- overbearing and visually dominating
- the Planning Inspector in dismissing an earlier appeal indicates that there would be a poor physical relationship with No. 46 Warwick Road
- the garden area does not accord with the Council's guidelines for amenity space

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- the development should not be three-storey as this would be out of character
- the existence of three storey development in a nib at the end of Warwick Road are not visible generally and should not act as a precedent
- the Juliette balconies will result in loss of privacy at the end of adjoining gardens
- there is likely to be contamination and asbestos at the application site
- planning permission should be refused as the applicant causes disruption
- out of character/flats will be an eyesore
- the proposal results in the flats at No. 50 Warwick Road loosing their parking provision resulting in more on-street parking
- the public consultation period is too short particularly as plans can only be viewed at the Council offices for 5 hours a day

Also raised is that building works will cause undue disruption, traffic and parking problems and where the existing vehicles on site would be stored if planning permission is granted, that the applicant's current business causes problems for residents.

Following various mainly minor revisions (following the February Committee meeting) 16 further letters were received; one is a holding letter from the Rainham Horticultural Society; three are letters of support and the others mainly reiterate comments made above but also raising the following:

- emergency vehicles may be unable to access the whole of Warwick Avenue due to additional on-street parking from the flats
- bungalows or two houses would be more appropriate/acceptable
- the revised plans are almost identical with the plans shown at the February Committee meeting
- the revisions do not address the concerns raised previously, which they should have done
- the proposal does not comply with the Planning Inspector's decision to dismiss an earlier scheme
- the existing business at the site would continue but with all the cars now parked there being parked on the public highway causing parking problems
- the garages included in the application site once belonged to the flats at No. 50 Warwick Road causing these occupiers to park on street instead
- increase in pollution
- the driveway access is too narrow for two vehicles to pass at the same time

The London Fire and Emergency Planning Authority have written to indicate that access should comply with Building Regulations documents.

The Metropolitan Police's Crime Prevention Design Advisor has written to advise that the communal entrance's location may be vulnerable to crime and Flats 2 and 3 have windows directly next to the driveway such that no defensible space is provided. He nonetheless suggests the attachment of conditions and an informative relating to Secured by Design.

Thames Water have written to remind the developer that it is their responsibility to make proper provision for drainage. In respect of sewerage infrastructure they do not have any objection.

English Heritage have written requesting a programme of archaeological works to be undertaken through a suitably worded condition and informative attached to any grant for planning permission.

RELEVANT POLICIES

LDF

CP1 - Housing Supply

CP2 - Sustainable Communities

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LDF

CP9 - Reducing the need to travel
DC2 - Housing Mix and Density
DC3 - Housing Design and Layout
DC33 - Car Parking
DC35 - Cycling
DC36 - Servicing
DC61 - Urban Design

OTHER

LONDON PLAN - 3.3 - Increasing housing supply
LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 3.8 - Housing choice
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture

MAYORAL CIL IMPLICATIONS

The proposal is liable for the Mayoral CIL. This liability is based on gross internal floor area and is £20 per square metre. The total payable would therefore be 252.50 sq.m x £20 = £5,050. A Liability Notice will be issued once the final details under pre-commencement conditions are discharged.

STAFF COMMENTS

Matters to be considered at this stage are access, scale, appearance and layout with landscaping to be determined as reserved matters at a later stage.

The issues in this case are the principle of the development, the impact of the development in the street scene and on the amenities of nearby residential occupiers and highways/parking.

BACKGROUND

Planning application P0380.08 was a proposal for one block of 8 flats. It was refused consent in June 2008 for the following reasons:

"The proposal would, by reason of its bulk, massing, height and siting close to a single-storey property result in an overbearing form of development adversely affecting visual amenity in the street scene contrary to Policy DC61 of the Core Strategy and Development Control Policies Submissions Development Plan Document.

" The proposal would, by reason of its scale and limited amenity area result in a form of development which provides a sub-standard level of amenity for future occupiers adversely impacting on residential amenity contrary to Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.

"The proposal would have insufficient parking provision resulting in likely on-street parking to the detriment of traffic flow contrary to Policy DC2 of the Core Strategy and Development Control Policies Submission Development Plan Document.

"In failing to achieve a high quality of design through the deficiencies described in reasons 1, 2 and 3, the proposal would fail to justify such high density of development contrary to Policy DC2 of the Core Strategy and Development Control Planning Submission Development Plan Document and Planning Policy Statement 3 (Housing)."

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Planning application P1995.08 was a proposal for 7 flats. It was refused and subsequently dismissed on appeal. The Planning Inspector concluded that the block would contrast significantly with the single-storey bungalows and the proposed substantial side elevation would be very apparent from along Warwick Road to the east such that it would be a visually dominant feature out of place in the streetscene. He also considered that the proposed different shapes and proportions of the components, particularly the roofs would lack cohesion and that the western elevation would be monotonous and the rear elevation bulky. He considered that the 175 sq.m of amenity area would be well below the Council's guidelines (specified in the UDP Guidance). He considered that the higher density of the scheme was not acceptable as the layout and design failed. He further considered that the 10 parking spaces was below the lower end of the standard of 10.5 spaces but that there was good reason to require parking to at least meet this minimum. He considered that the proposed building would offer a poor outlook for the occupiers of No.46 Warwick Road and be overbearing due to its close proximity.

While the proposed scheme is in outline, the main changes to the scheme from that considered by the Planning Inspector in 2008 (P1995.08) are:

- reduction from 7 flats to 6
- change from all 2-bed flats to 1x2-bed and 5x 1-bed units
- reduction from two-storey to one-storey element closest to No.46 Warwick Road
- increase from 175 sq.m to 185 sq.m to rear amenity space

PRINCIPLE OF DEVELOPMENT

The proposal is for housing in the form of 6 flats. The site is currently in non-residential use and the proposal for redevelopment to residential use would, in principle, be acceptable in accordance with national, regional and local planning policy CP1 of the LDF Core Strategy and Development Control Policies DPD.

DENSITY/SITE LAYOUT

The proposed density would be 94 units per hectare. The density range for this site is 30-50 units per hectare and it is therefore considered that the proposal would be well in excess of the range for this area. Nonetheless, it is recognised that as flattened development does tend to have higher densities, such a proposal may be acceptable where it demonstrates a high standard of design and layout.

The London Plan indicates that residential development should meet minimum internal space standards. The London Plan indicates at Policy 3.5 that 2-bed units should have a minimum space of 61 sq.m for 3 people units and 70 sq.m for 4 people units with 1-bed units for 1 person 35 sq.m and 2 people 50 sq.m. The size for the 2-bed flat would be approximately 82 sq.m and the smallest 1-bed flat would be approximately 37 sq.m. It is considered that the proposal would be acceptable.

The proposed layout would provide a frontage development with an amenity area to the rear retaining an existing vehicular access to an existing rear parking area to the west of the application site.

The building would be one-storey closest to No. 46 Warwick Road and 2-storey otherwise. It would be located 1m from the shared boundary with No.46 Warwick Road (to the rear this increases to 6.4m - previously 2m) and 1.82m from No.46's side elevation. In relation to No.s 50a and b, the proposed building would be located 3.5m (previously 4m) from this neighbouring property's side elevation. The building would be located directly adjoining the proposed vehicular access (previously 0.25m); it is considered that the windows in this elevation would be high level

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and would be located a reasonable distance from the neighbouring property.

The proposal would have frontage parking for 2 vehicles in addition to the existing vehicular access adding an additional access. Some landscaping could be provided between the parking spaces and the access road which is widened to 5m width at the access point. Staff consider that the proposed frontage parking would be similar to other residential properties in the locality and would provide some landscaping to protect visual amenity and the amenities of future occupiers.

The proposal would be provided with 185 (previously 175) square metres of rear amenity space. The Residential Design SPD differs from the UDP guidance (which the Planning Inspector considered in relation to the 2008 appeal) as it does not indicate specific levels of amenity space.

Staff consider that the proposal would provide a reasonably private and usable space, with easy access for all future residents. In comparison, the amenity space for the four, 2-bed flats at No.50 Warwick Road is 9m deep and 10m wide (90 sq.m). Staff therefore consider that proposed amenity space would be relatively comparable with that at No.50 and is therefore in character with existing flatted development and therefore accords with the guidance contained in the Residential Design SPD.

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is for a one-/two-storey development with accommodation in the roof space. The existing character in the street scene, is mainly two-storey development although there are single-storey dwellings immediately adjacent to the East of the application site.

The main ridge height (and associated eaves) would be the same height as that of the two-storey flats directly to the west of the application site. In relation to the eastern side of the proposed building adjoining No. 46 Warwick Road, the ridge line shown to the single-storey section is lower with a lower eaves height. Staff consider that this would be significantly lower than the two-storey element of the scheme dismissed on appeal and that this would overcome the concerns raised in relation to the relationship of the proposed development with the adjoining bungalows. Staff consider that the development would not be out of character with existing development in this street scene and, with its hipped, pitched roofs and that the development would not appear unduly over-dominant in relation to the adjoining bungalows.

The single-storey element of the development would not incur into either a 45 degree line measured at 4m from the rear of No.46 Warwick Road, nor extend unacceptably beyond the rear of the adjoining properties. Staff therefore consider that the proposed development would not have a significant material impact in the rear garden environment.

IMPACT ON AMENITY

Properties to the rear of the site in Upminster Road North would be at least 45m from the proposed rear elevation, such that Staff consider that there would not be any loss of privacy for those occupiers.

In relation to the existing neighbouring properties, it is considered that there would be some over-shadowing of the garden of No. 46 during the afternoon period because the application site is to the west of No.46 which has a north-facing garden. However, it is considered that while No.

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46 has benefitted from the existing site building only being one-storey, that a two-storey development with a single-storey section closest to this bungalow, would not result any undue harm to residential amenity.

Proposed windows in the side elevations would mainly be high-level or could be fitted with obscure glazing by the imposition of a suitable condition such that Staff do not consider that there would be no loss of privacy.

The proposed vehicular access lies along the flank wall of two of the No.50 flats and the parking area which would also adjoining their rear boundary would introduce a materially different type of noise and activity than at present. The existing commercial activity at No.48 would be removed and Staff consider that, on balance, the proposed development would result in a general improvement in residential amenity. Nonetheless, it is considered that a suitable boundary treatment should be provided to the side and rear boundaries of the No.50 flats to avoid any undue impact on these occupiers amenity. This can be secured through the attachment of a suitable condition for boundary treatment.

HIGHWAY/PARKING

Policy DC2 of the LDF Development Control Policies DPD indicates that residential properties in this location would be expected to have between 1.5 - 2 parking spaces each, i.e., between 9 and 12 parking spaces. The proposal would provide 10 parking spaces which, as 5 of the units would have a single bedroom, Staff consider this would be acceptable in relation to the proposed development. There are therefore no highway objections to this proposal.

Suitable provision of a collection point for refuse would be needed and a condition can be attached to require details to be submitted.

SECURED BY DESIGN

The Metropolitan Police Crime Prevention Design Advisor has written raising concerns that the access to the flats may be vulnerable to crime and that there is no defensible space provided adjacent to the proposed driveway. Details could be added to overcome these concerns at the reserved matters stage. The CPDA nonetheless advises that a condition and informative should be attached to any grant of planning permission to require submission of Secured by Design details.

KEY ISSUES/CONCLUSIONS

The proposal for residential development would be acceptable in principle. Staff consider that the proposal would be acceptable and in accordance with the Local Development Framework Policies.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC02 (Time limit for details) 3yrs
2. SC03 (Time limit for commencement) 2yrs
3. S SC06 (Parking provision)
4. S SC09 (Materials)

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5. S SC11 (Landscaping)

6. S 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 high shall be erected to the rear and side boundaries of the site, including to the rear garden of the flated block at 50 Warwick Road and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

7. S SC32 (Accordance with plans)

8. S SC34 (Obscure glazing)

The proposed windows to the atrium/stairwell 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.

9. M SC40 (Soundproofing) ENTER DETAILS

The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against the internally generated noise and 62dB(A) against impact noise to the satisfaction of the Local Planning Authority.

Reason:-

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

10. S SC46 (Standard flank window condition)

11. S SC57 (Wheel washing)

12. M SC62 (Hours of construction)

13. M SC63 (Construction Methodology)

14. Non standard condition

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

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Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and the London Plan (published February 2011).

15. Non standard condition

The proposed development shall be no greater than 1-storey height within 5m of the shared boundary with No. 46 Warwick Road and shall be no greater than 2-storey height across the remainder of the building.

Reason: To ensure that the proposal would have an acceptable impact on the character of the locality and on visual amenity in the streetscene and on the amenities of adjoining occupiers.

INFORMATIVES

1 Informative - Reason for Approval

This decision to grant planning permission has been taken:

I. having regard to Policies CP1, CP2 CP9 and CP17, of the LDF Core Strategy Development Plan Document and Policies DC2, DC3, DC33, DC35, DC36 and DC61 and Annexes 5 and 6 of the LDF Development Control Policies Development Plan Document, the London Plan and Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 17 'Planning for Open Space, Sport and Recreation'.

II. For the following reason: The proposed development would provide much needed smaller/more affordable housing units. Whilst the proposed development would have an impact upon the street scene and adjoining residential occupiers, this harm would not be prejudicial and the proposals would help to deliver the Borough vision of making Havering an inclusive place in which to live, work and visit.

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.

2 Secure by Design Informative

The applicant should seek the advice of the Police Crime Prevention Design Advisor. The London Borough of Havering seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative, which is supported by the Home Office Crime Reduction and Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award. For additional information, please contact the Borough Crime Prevention Advisor through the London Borough of Havering Regulatory Services or Romford Police Station, 19 Main Road, Romford, RM1 3BJ. The services of the local

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Police CPDA are available free of charge.

It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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APPLICATION NO:	P0259.12	
WARD :	Rainham & Wennington	Date Received: 6th March 2012 Expiry Date: 5th June 2012
ADDRESS:	22 Lamson Road Rainham	
PROPOSAL:	Change of use from a warehouse development to a solid recovered fuel facility.	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report.	

SITE DESCRIPTION

The site is an irregular shaped area of land located on the eastern side of Rainham Creek, measuring approximately 2 hectares in area. The site includes four buildings that have previously been in use for B8 purposes along with hardstanding areas for the parking and manoeuvring of vehicles.

The site is bounded to the south west and south east by neighbouring sites being used for industrial, warehousing, and waste purposes. The site's north western boundary lies adjacent to Rainham Creek, which is a Site of Nature Conservation Importance, whilst its north eastern boundary abuts the public highway. Access to the site is taken via Lamson Road, off Ferry Lane North.

The site is located on land designated as a Strategic Industrial Location in the LDF and is located in the London Riverside Business Improvement District. The site is located within Flood Zones 2 and 3a, as defined by Havering's Strategic Flood Risk Assessment. The Inner Thames Marshes Site of Special Scientific Interest (SSSI) is located to the south east. The site is also located on land designated as a Channel Tunnel safeguarding area.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of existing warehouse buildings into a waste processing facility. The submitted information states that only two of the four buildings at the site would be used for waste processing, although the remaining buildings would also be subject to the change of use if planning permission were to be granted. The only operational development would involve the erection of a covered waste conveyor bridge between the two waste processing buildings. Plant and machinery would be installed in the two buildings to facilitate the waste processing. The proposed operating hours are 24 hours per day, 7 days per week. Information submitted with the application indicates that the proposal would generate 50 operational jobs

The proposed waste processing facility would have a capacity of 210,000 tonnes per annum (tpa). The proposal would handle commercial and industrial waste derived from waste bins and processing. The submitted information states that the sources of waste would be subject to contract, but it is expected that it would be sourced from East London and the wider London boroughs. The applicants anticipate that the composition of the waste will be as follows: 41% paper, 22% plastics, 17% organic fines, 15% textiles, 3% wood, and 2% metals.

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The facility would process this waste material into solid recovered fuel (SRF) (70%), organic/heavies (14%), organic/fines (14%), and metal (2%). Of the 210,000tpa of waste processed, 147,000 tonnes of SRF would be produced; 58,000 tonnes of organic heavies/fines would be transported off site for use in anaerobic digestion, secondary aggregate production, or landfill covering; and 4,200 tonnes would be sent off site for recycling elsewhere.

The SRF produced would be exported off site by road for use in the cement-making and energy industries as an alternative to fossil fuels. The submitted information states that the applicant will initially aim to send 20% of the SRF output to a London based facility, with the remainder being exported to areas outside London, including Europe. The operator would seek to send more of the fuel to local cement-making and energy facilities in the medium-long term.

RELEVANT HISTORY

The previous planning decisions of most relevance to this application are as follows:

P0559.96 - Single storey extension of canopy between two warehouses.

P0016.92 - Erection of warehouse.

CONSULTATIONS/REPRESENTATIONS

This application was advertised by site notice and in the local press. Notification letters were sent to 71 neighbouring addresses. Representations have been received from a neighbouring business and the London Riverside Business Improvement District. The following objections are raised:

- i) There are enough waste facilities already located in the local area;
- ii) There will be an increase in dust and dirt resulting from the types of material being transported and handled;
- iii) The proposal would have a detrimental impact on the Business Improvement District and the efforts that have been made to raise the profile of the area;
- iv) The proposal would result in a steep increase in vehicle movements and a strain on the highway network in comparison to that likely with the existing use;
- v) There would be an adverse impact on highway safety;
- vi) The turning of lorries in the highway would be detrimental to the access points of neighbouring sites;
- vii) The anticipated use of public transport amongst staff is considered to be exaggerated and more off street parking would therefore be required;
- viii) There are likely to be odours resulting from the handling of organic waste;
- ix) The proposal would be incompatible with the other businesses located in the area.

Statutory Consultees

Environment Agency

No objections; conditions recommended.

Greater London Authority

The proposal is not currently considered to be acceptable but can become compliant subject to the following:

- i) The proposal is contrary to the Joint Waste DPD. Additional information should be provided in relation to the alternative site selection and the anticipated treatment processes;
- ii) Contributions being made towards green infrastructure under the London Riverside

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Opportunity Area Planning Framework;

iii) The applicant should confirm arrangements with the anaerobic digestion operator at Rainham to take the organic waste produced;

iv) A construction and logistics plan and revised Travel Plan should be secured by condition; contributions towards local pedestrian improvements are required and formal cycle parking and changing facilities should be provided.

Non statutory Consultees

Environmental Health

No objections. Planning conditions recommended in relation to noise, air quality, and contaminated land.

Highways

No objections subject to a planning obligation.

Thames Water

No objections.

Essex and Suffolk Water

No objections.

RELEVANT POLICIES

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

CP11 (Sustainable Waste Management)

DC9 (Strategic Industrial Locations)

DC32 (The Road Network)

DC34 (Walking)

DC48 (Flood Risk)

DC50 (Renewable Energy)

DC52 (Air Quality)

DC53 (Contaminated Land)

DC55 (Noise)

DC58 (Metropolitan Site of Nature Conservation Importance)

DC59 (Biodiversity in New Developments)

DC61 (Urban Design)

DC72 (Planning Obligations)

Joint Waste Development Plan Document (the Waste DPD)

W1 (Sustainable Waste Management)

W2 (Waste Management Capacity, Apportionment and Site Allocation)

W5 (General Considerations With Regard to Waste Proposals)

Site Specific Allocations DPD

SSA9 (Channel Tunnel Rail Link)

The London Plan

Policy 5.16 (Waste Self-Sufficiency)

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Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

MAYORAL CIL IMPLICATIONS

The proposed development would not give rise to a contribution under the Mayoral CIL Regulations.

STAFF COMMENTS

This proposal is put before Planning Committee as it is a Major development, which is contrary to the Development Plan. Should Members be minded to approve the application, then the application will need to be readvertised as a Departure application, and brought before Members again with recommended conditions. Officers would also advise that planning consent should only be granted subject to the completion of a legal agreement, which has yet to be negotiated, to secure contributions towards highways and environmental improvements.

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

PRINCIPLE OF DEVELOPMENT

A neighbouring business has objected to the proposal stating that there are enough waste facilities in the area already, that the proposal would not be compatible with other uses in the Business Improvement District, and that the proposed development would have a detrimental impact on the Business Improvement District and the efforts that have been made to raise the profile of the area.

The proposed development would process up to 210,000 tpa of commercial and industrial waste, converting approximately 70% of it into SRF for use in industry, much of it in Europe, with the remainder being transferred to other waste facilities for further processing or recovery.

Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being sent to landfill. Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources. The proposal would assist in diverting waste from landfill by creating SRF for use in off-site power generation and preparing waste for further off-site recycling. The proposal is therefore considered to be in accordance with Policy CP11 of the LDF and W1 of the Waste DPD.

The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas, with the exception of the Beam Reach Business Park, B2 and "waste uses" will be considered acceptable providing they are in accordance with the Joint Waste DPD and Policy CP11 of the LDF.

The Waste DPD was formally adopted by the East London Boroughs on 27th February 2012. This document sets out East London's waste planning strategy to 2021, identifying the levels of waste management capacity required by the area and guiding the location of facilities to address this requirement. One of the Waste DPD's main objectives is to:

"Reverse the historical trend of the ELWA area being the dumping ground for London's waste."
(Paragraph 3.2)

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The waste apportionment for the East London boroughs, which the area is expected to provide capacity for dealing with, is significantly higher than the amount of waste that the four boroughs actually produce. However, a lot of effort has been exercised by the four boroughs to ensure that the apportionments for the area are as low as possible, in pursuance of the above mentioned objective.

Policy W2 of the Waste DPD sets out the amount of waste to be managed by the East London boroughs up to 2021, as established in the London Plan, and identifies preferred sites within the plan area that can be developed to provide the required capacity to manage this waste. The identified waste capacity requirement refers to the difference between the amount of processing capacity available and the amount of waste that needs to be dealt with. In relation to recycling, the Waste DPD states that East London has a surplus of capacity up until 2021 and beyond, meaning that no more recycling facilities are needed in order for the ELWA boroughs to meet their apportionment. However, in relation to the recovery of waste, which includes the use of waste as a fuel, the Waste DPD identifies that there is a capacity gap, meaning that more processing capacity is needed in order to meet the apportionment.

As of 2011, the identified capacity gap in relation to the recovery of waste is identified as being 262,710 tpa, increasing to 269,370 tpa by 2021. This means that in order for the East London Boroughs to meet their London Plan waste apportionment, new waste recovery facilities will be required to address this shortfall.

Paragraph 4.11 of the Waste DPD states that:

"... sites will only be approved where they are needed to contribute to meeting the London Plan apportionment figures for the ELWA boroughs, and capacity sought only where there is an identified need."

The proposed facility would have a processing capacity of 210,000 tpa, producing around 147,000 tpa of fuel and 24,000 tpa material for use in anaerobic digestion (both constituting recovery) with the remaining 39,000 tonnes being recycled. The 39,000 tpa of additional recycling capacity would only add to East London's surplus of recycling capacity and is therefore not required. The submitted information states that the additional recovery capacity would assist in meeting the capacity gap for recovery (262,710 tpa) identified in the Waste DPD. However, this fails to take account of new recovery capacity that has already been approved in the ELWA area, including 100,000 tpa of capacity at Frog Island in Rainham, and approximately 190,000 tpa of capacity at Dagenham Dock, which the London Borough of Barking and Dagenham expected to be implemented in the near future.

If the proposal under consideration were also to be approved and subsequently implemented then the identified capacity gap for recovery would be significantly exceeded. Even the currently identified requirements for the year 2021 would have been exceeded by over 170,000 tpa, assuming that no other new waste processing capacity were to be approved and brought forward in East London for the next 9 years.

As the proposal would bring forward new capacity that is not required to meet the area's waste apportionment, it is considered contrary to Policy W2 of the Waste DPD.

Policy W2, in addition to outlining the amount of waste capacity that East London requires, also establishes preferred sites for the development of new capacity. 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

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consideration does not constitute either a Schedule 1 or Schedule 2 site.

Policy W2 does state that where an applicant can demonstrate there are no opportunities within the preferred Schedule 2 areas for a waste management facility, that sites within designated industrial areas will be considered. The site is located within an industrial area, and as a waste use, could be in accordance with Policy DC9 of the LDF, providing it complies with the Joint Waste DPD. As part of their submission, the applicants have undertaken an assessment of the suitability of the Schedule 2 sites, which include the Ferry Lane North site in Rainham, Dagenham Dock in the London Borough of Barking and Dagenham, and Beckton Riverside in the London Borough of Newham.

Paragraph 6.1.5 of the submitted assessment concludes that the Schedule 2 sites are unsuitable for the following reasons:

- The Ferry Lane North site is considered to be too small to accommodate the proposed development and its development would displace an existing waste use;
- There are no suitable sites available for the proposed facility at Dagenham Dock;
- The Beckton Riverside site is too constrained.

The application site however is said to be available for development and includes existing buildings and infrastructure that can readily be used to accommodate the proposed development. It is also stated that the application site would be favourable from an environmental perspective.

Policy W2 of the Waste DPD states that alternative sites will be considered where it can be demonstrated that there are no opportunities at the preferred sites for waste facilities. The applicants have only attempted to demonstrate whether the preferred sites could accommodate their own proposal, rather than demonstrate that there are no opportunities for waste facilities generally. However, the submitted justification for not using one of the preferred sites fails to sufficiently explain why even the proposed development could not be located on one of the preferred sites.

That the application site would be more convenient and/or cost effective for the developer, or that the preferred sites are not currently under their control, are arguments that are considered to be of limited weight. Moreover, the submitted appraisal of the preferred sites, and the evidence for why these cannot be developed, is considered to fall far short of what is required to justify the development of an alternative site such as that under consideration. Insufficient information has been submitted to demonstrate that Beckton Riverside and Dagenham Dock are either not available or not capable of accommodating the proposed development.

The GLA have stated that the applicant should provide further information in relation to the site selection process.

The Joint Waste DPD was only adopted in February 2012 and the ten year waste planning strategy for the East London boroughs is therefore at a very early stage. The proposed development would be located on an unallocated site and, based on the information currently before us, would be likely to result in the plan area exceeding its waste apportionment by 210,000 tpa. Even if no more waste processing facilities were to be approved in East London for the next 9 years, if the proposal were added to those facilities already approved by the East London boroughs, then the ELWA area would still significantly exceed its 2021 waste apportionment. As discussed, the London Plan waste apportionment already significantly exceeds the amount of waste that the East London boroughs actually produce.

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Members should also be mindful that whilst the proposed waste facility relates to two of the four buildings at the site, the change of use would apply to all four of the buildings and it is therefore possible that these buildings could be converted in future without the need for planning consent, which could add to the waste processing capacity at the site.

In addition to undermining one of the Waste DPD's main objectives, a further consequence of approving a facility that is not required, on unallocated land, is that it may result in the safeguarded sites being sterilised. Paragraph 5.12 of the Waste DPD states that:

"It is important that the ELWA boroughs work together to ensure that new development does not constrain land that has been safeguarded for waste management facilities."

This statement is double-edged. On the one hand it is saying that the sites identified as being suitable for waste development, and safeguarded in the Waste DPD, should be retained for these purposes. On the other hand, if waste development is allowed on unallocated sites, and the waste apportionment is met or exceeded, then safeguarded sites may need to remain vacant for a number of years until such time as new waste capacity is required. They would be safeguarded for waste development, but the required capacity would have been provided elsewhere.

Policy W5 states that applications for new facilities that manage non-apportioned waste must demonstrate that there is not a more suitable site nearer to the source of waste. The application under consideration proposes a new facility for the management of non-apportioned waste without demonstrating that there is a more suitable site nearer to the source of waste. It is therefore considered that the proposal is contrary to Policy W5 of the Waste DPD.

Given the lack of convincing evidence to justify the proposed development at an unallocated site; the absence of any demonstration to show that there are no suitable sites located nearer to the source of waste; and given that the proposal is likely to result in the area's waste apportionment being significantly exceeded; the proposal is considered to be contrary to Policies W2 and W5 of the Waste DPD and is therefore considered to be unacceptable in principle.

Whilst the proposal would be contrary to the Waste DPD, weight must also be given to the other material considerations, which might be considered sufficient to overcome the departure from the Development Plan. The submitted information states that the proposal would generate 50 permanent jobs. Officers consider that this factor is of limited weight given that the existing buildings, had they not been in the ownership of the applicant for the past year, might well have come forward for B1 or B8 development that could provide a similar number of, if not more, jobs than would be generated by the proposed waste processing facility. Moreover, given that the site is located in a Business Improvement District and that a neighbouring business has objected to the proposal, partly on the grounds that they consider the proposal incompatible with the existing businesses, it is possible that a development of this nature might be detrimental to the attractiveness of the area, not only for existing, but also for future employment occupiers, which could have a detrimental impact on employment levels.

All waste-related development will create employment. Members will need to consider whether the benefits of this, and future proposals of this nature, outweigh departures from the Development Plan, including the recently adopted objectives and policies of the Waste DPD for East London.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The site is located on land designated as a Strategic Industrial Location and the surrounding area is characterised by employment related development, particularly warehousing along with storage and low quality waste processing uses to the south. The proposal would result in the change of use of existing warehouse buildings with most of the proposed works, such as the installation of plant, being internal and therefore not constituting development. The only operational development would include a conveyor bridge connecting the two waste processing buildings, but this would not be visible from beyond the site's boundaries.

It is considered that the storage of containers, plant, and waste material in the external areas of the site would result in a significant adverse impact on the visual amenities of the local area. It is recommended that conditions be employed, should planning permission be granted, requiring the use of matching materials for the conveyor bridge; requiring the submission of details relating to the proposed boundary treatment and landscaping; and to prevent the storage of plant, containers, and material in the open air.

Given the nature of the proposal, including its siting, scale, and design, it is considered that it would be in accordance with Policy DC61 of the LDF, subject to the imposition of the aforementioned conditions.

IMPACT ON AMENITY

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

A neighbouring business has objected to the proposal on the grounds that it would result in dirt, dust, and odour problems in the local area, and would be detrimental to the Business Improvement District.

The site is located in an industrial area and has established use rights for B8 purposes. The nearest residential properties are located at Creekside, approximately 70m to the north of the site, and around 100m to the north of the proposed waste processing buildings. The occupiers of these properties were consulted about the proposal but no representations have been received. These properties are separated from the site by Rainham Creek, including an area of dense vegetation.

The submitted information states that the waste processing activities would take place entirely indoors and that the process would not give rise to the emission of odours. The Council's Environmental Health officers were consulted about the proposal and have raised no objections subject to the use of conditions relating to the control of emissions, contaminated land, and noise. Should planning permission be granted, it is also recommended that conditions be imposed preventing the storage of waste in the open air; prohibiting the importation of putrescible waste; and requiring the submission of details relating to the control of dust, odour, and mud on the road.

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

HIGHWAY/PARKING

Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

A neighbouring business has objected to the proposal stating that it would lead to a dramatic increase in vehicle movements, placing a strain on the local highway network, and that it would be detrimental to highway safety.

The GLA have stated that a construction and logistics plan, revised Travel Plan, formal cycle parking, and changing facilities should be provided. These requirements can be achieved through the use of planning conditions should Members be minded to grant planning permission.

The site is located in an existing industrial area that is served by a public highway suitable for heavy goods traffic. The site access and turning areas are equipped to handle HGVs movements. It is estimated that the proposal would generate around 110 lorry movements per day. The Council's Highway officers have considered the proposal and have raised no objections subject to a planning obligation that the developer makes a financial contribution of £20,000 towards the maintenance of Lamson Road. The GLA have stated that contributions should be sought towards local pedestrian improvements.

In order to protect highway safety and amenity, it is recommended that a condition be imposed requiring details of the methods proposed to prevent the deposit of material in the public highway be submitted for the LPA's approval.

In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policy of the LDF, subject to the imposition of the aforementioned conditions and the completion of a Section 106 agreement. In the absence of any legal agreement, the proposal is considered to be contrary to Policies DC32 and DC72 of the LDF and is therefore unacceptable.

OTHER ISSUES

Environmental Considerations

The site is located alongside a Metropolitan Site of Nature Conservation Importance and in close proximity to the Inner Thames Marshes SSSI. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. Natural England have been consulted about this proposal and raised no objections subject to the use of a condition relating to the control of drainage and pollution between the site and the neighbouring designated site. The Environment Agency have also proposed a condition in relation to the control of drainage, and it is recommended that this condition be imposed, should consent be granted, along with a further condition relating to the control of Japanese Knotweed.

The site is located in Flood Zones 2 and 3, as defined by Havering's Strategic Flood Risk

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Assessment. Policy DC48 of the LDF stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. The application is accompanied by a Flood Risk Assessment, which has been considered by the Environment Agency with no objections being raised, subject to the use of a condition relating to drainage arrangements, which can be imposed should planning permission be granted. No objections have been raised from Essex and Suffolk or Thames Water.

Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable, having had regard to Policies DC48, DC58, and DC59 of the LDF.

Other

Policy W5 of the Waste DPD stipulates the types of information that should be included with planning applications for waste development, including mitigation measures to minimise or avoid various types of impact. With the exception of that part of this policy already discussed above, the proposal is considered to be in accordance with this policy in all other respects.

Policy SSA9 of the Site Specific Allocations DPD states that the Council is required to facilitate the Channel Tunnel Rail Link. However, the proposal under consideration relates to an existing site and buildings. The proposal is not considered to be contrary to Policy SSA9.

The GLA have stated that contributions should be sought towards green infrastructure under the London Riverside Opportunity Area Planning Framework. The Council's Regeneration officers have recommended that planning obligations be sought to contribute to environmental improvements in the local area, should planning permission be granted for the proposal. These include contributions towards environmental and public realm improvements along Lamson Road and Ferry Lane, and a contribution towards the Creekside Park refurbishment. In the absence of a legal agreement to secure these contributions, the proposal is considered to be contrary to Policies DC34, DC59, and DC72 of the LDF.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be contrary to the objectives and policy contained in the Waste DPD. The proposal would be likely to result in the area's waste apportionment being significantly exceeded and would result in the development of a waste processing facility outside of the preferred sites without the required justification having been provided. Moreover, in the absence of a Section 106 agreement, there is no mechanism through which the Council can secure necessary contributions towards highway, environmental, and public realm improvements.

Officers consider the proposal to be unacceptable, having had regard to Policies W2 and W5 of the Waste DPD, Policies CP11, DC9, DC32, DC34, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, and DC72 of the LDF, and all other material considerations.

The Council is required to consult the Greater London Authority prior to releasing its decision.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the reason(s)

1. Refusal non standard Condition

The capacity of the proposed development would be in excess of what is required by the East London Waste Authority boroughs to manage the waste apportioned to them

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in the London Plan. The proposal would be likely to result in significantly more waste being imported to the area than is required by the London Plan and is therefore considered to be contrary to the objectives, and Policy W2, of the Joint Waste Development Plan for the East London Boroughs.

2. Refusal non standard condition

The application proposes the development of a waste processing facility outside of the preferred areas established in the Joint Waste Development Plan Document without adequately demonstrating that there are no opportunities within these preferred areas for a waste management facility. The proposal is therefore considered to be contrary to Policy W2 of the Joint Waste DPD for the East London Boroughs.

3. Refusal non standard condition

In the absence of a Section 106 agreement intended to secure contributions towards highway, green infrastructure, and other environmental and public realm improvements, the proposal is considered to be contrary to Policies DC32, DC34, DC59, and DC72 of the LDF.

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APPLICATION NO:	P0427.12	
WARD :	Hylands	Date Received: 3rd April 2012 Expiry Date: 29th May 2012
ADDRESS:	28 Harrow Drive Hornchurch	
PROPOSAL:	Single and two storey rear extensions, single storey front extension amended plans received 21-6-2012	
DRAWING NO(S):	P.01 P.02 P.03 Rev A P.04 P.05A (revised) P.06A (revised) P.07 P.08 P.10 (additional) APPLICATION 1 (revised) APPLICATION 2 (revised) APPLICATION 3 (revised)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

CALL-IN

The application has been called in by Councillor Galpin as she considers the proposal raises neighbourliness and streetscene issues.

SITE DESCRIPTION

The subject dwelling is a substantial and previously extended detached house on the east side of Harrow Drive. There is an attached double garage located on the northern side of the dwelling and ample off-street parking available at the property. The surrounding area comprises mixed residential properties and the land is fairly level. No trees will be affected by the development.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey front extension and single and two storey rear extensions.

In the front facade an extension will be constructed to provide an extended hall and wc which will be 1.9m deep for a width of 3.1m and will then step back 300mm and extend a further 1.970m. It will have a gabled roof 3.8m high.

On the left hand side of the property (north), a single storey rear extension is proposed which will step in 400mm from the existing flank wall at the rear of the existing garage (with study beyond) for a depth of 3.10m and width of 5.210m and will then step back 2.450m for a width of 12.430m.

This will result in this element being 3.10m deeper than the existing projection on the left hand side of the property (north) and 3.80m deeper in the centre with the existing projection on the

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right hand side (south) 1.690m deeper. A hipped roof will be provided on the northern side and a mono-pitched roof will be provided over to the rest.

At the rear at first floor level on the left hand (northern) side of the property, a 3.80m deep by 4.150m wide extension is proposed and on the southern side a 3.0m deep by 4.150m extension is also proposed. Hipped roofs 8m high will be provided over both first floor extensions.

The proposed development will provide no additional bedrooms.

RELEVANT HISTORY

Building Control records are copied below:

1841/54 - Private garage

8666/78 - Kitchen modification and new cloakroom

7307/85 - Rear extension

Available planning history:

L/HAV/1539/87 - Two storey side extension and garage - Approved

P0151.11 - Two storey side and rear extensions and single storey side extension - Refused

P0911.11 - Single storey front extension, single/two storey, side/rear extensions and single/two storey rear extensions - Refused

CONSULTATIONS/REPRESENTATIONS

The application has been advertised by the direct notification of surrounding residential properties.

Two letters of objection have been received from two neighbours at the same address and a local Councillor. Their comments are summarised below:

* The writers have objected to both previous applications on broadly similar grounds each time, namely - the impact of the scale, bulk and massing of the proposal on the amenity of adjacent properties and the physical incongruity between the excessive scale of the proposal and its immediate surroundings in the street and rear garden scenes.

Whilst it is acknowledged the application now under consideration represents a variation on the previous schemes, with specific reference to their property, the proposed changes remove none of the previous objections; the proposed extension to the southern side of the rear elevation includes a 3m deep extension at first floor level, identical to the last application; it is noted that the ground floor extension in this location proposes a slightly shorter rearward extension (1.69m as opposed to 1.99m in the last application) but this minimal alteration does not sufficiently help to overcome the impact on their property.

The writers also draw attention to the emphasis that Members placed upon the poor relationship between this element of the proposed extension and their bungalow and the impact such an out of scale scheme would have on the single storey property. Visual impact, bulk and massing were also raised.

Turning to the development on the northern side of the property, it is acknowledged that the proposed extension at first floor level has been reduced in scale, but the ground floor extension (annotated as a kitchen) extends a significant distance into the rear garden (3.10m). Although the overall height will be reduced, height, bulk and massing, complete with the proposed roof

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design, will still render the proposal inappropriate in respect of the way it negatively impinges on the rear garden environment and how it adversely affects the residential amenity of No.34.

The extension of the rear wall across the entire width of the property will be harmful to the rear garden environment;

The submitted plans are inaccurate in that they seem to delineate the bungalow by utilising the outline of the roof and associated eaves, rather than the actual position of the exterior walls which has the effect of misrepresenting the relative positions of the two properties and also the position of the flank windows in relation to the proposed flank wall of the subject dwelling;

Certain health problems are being experienced by the writers which are being made worse by the stress of the proposed development;

It is also requested that the application be called into Committee for decision and if approved a construction condition attached.

One letter has also been received from a local Councillor objecting to the proposal on the grounds that this resubmission is not unlike the one refused recently at Committee and that the refusal put emphasis on the impact the resultant building would have on the character, and local environment and the bungalow at No.24;

The Councillor goes on to say that the plans are incorrect insofar as the position of the windows in the bungalow property are concerned. The proposed development continues to be out of character and over-development for the site.

RELEVANT POLICIES

Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Residential Extensions and Alterations SPD.

STAFF COMMENTS

A previous application, reference P0151.11, was refused planning permission on 31st March 2011 under Delegated Powers. It was considered the proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene, harmful to the appearance of the surrounding area and also that it would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development, as well as having an adverse effect on the amenities of adjacent occupiers.

A subsequent application, reference P0911.11 -

- * altered the gabled roof at first floor level on the northern side to a hip;
- * provided a 1m separation from the northern boundary instead of about 600mm;
- * reduced the width of the first floor rear extension in the centre of the property from 6.930m wide to 5.560m.
- * reduced the length of the first floor on the southern side from 4.090m to 3m and provided a hipped roof over the single storey element below;

That scheme was considered to be acceptable by officers but was called into Committee by a Councillor for decision. The decision was to refuse planning permission for the same reasons as before.

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The application now under consideration has reduced the scale of development again in the following ways:

- * Apart from the addition of a new front porch, the property will not appear altered from existing when viewed from the front streetscene;
- * The first floor element on the northern side of the property (above the existing garage) is now deleted;
- * The existing garage will remain as existing (600mm off the northern boundary) with the single storey extension to the rear now being brought 1.0m off the boundary. The depth will remain at 3.100 as in the previous proposal;
- * The depth of the single storey extension at the rear, roughly in the middle of the property, will remain as in the previous application 3.80m.
- * The depth of the single storey rear extension on the southern side will now be 1.690m rather than 1.990m and provided with a mono-pitched roof;
- * At first floor level at the rear the extension closest to the northern boundary will now be 4.150m wide rather than 5.560m. The depth will remain the same 3.86m;
- * The first floor rear extension close to the southern boundary will remain the same (4.150m wide by 3.000m deep).

The acceptability of these changes will be discussed later in the report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Harrow Drive is an attractive road of very mixed size and design residential properties, with many dwellings being set within generally spacious plots.

The subject dwelling lies on the east side of Harrow Drive, between a two storey house to the north, No.34 and a bungalow to the south, No.24 (note numbering anomaly). The subject dwelling was originally a modest, detached, gabled property with a two storey front projection and a small detached hipped roof building to the side, separated by a small picket gate. It is noted that the property in its original form measured approx 12.7m wide by 5.5m deep with a two storey, front forward projection of 1.3m on the southern side.

Following two recent refusals for substantial additions to this property, the proposal now under consideration, when viewed from the front streetscene, only intends a front porch addition which is considered to relate acceptably to the property. No undue front streetscene issues will now arise.

When viewed in the rear garden environment, it was considered in both the previous applications that the development would have resulted in development that would have appeared bulky, dominating and incongruous, to the detriment of the property itself and the surrounding area.

When viewed from the rear garden environment, the current application differs in that the space above the garage is now maintained, the extension behind the garage has been reduced in width and the larger of the first floor rear elements has been reduced in width from 5.560m to 4.150m.

On balance, staff consider the general bulk of the development in the rear elevation has been reduced sufficiently to overcome previous concerns.

Having regard to the above, Staff consider that the development as revised has addressed previously identified visual impact concerns. The design, bulk and scale of the development is

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considered acceptable and will not now cause harm to the surrounding area.

IMPACT ON AMENITY

Dealing firstly with the bungalow property to the south, No.24, this property has an approximate separation from the party boundary of 1.3m and the proposed development on the southern side of the subject dwelling will be approximately 3.43m further away. It should be noted at this point that this bungalow's rear building line is approximately 800mm deeper into the garden than the subject dwelling would be if extended at ground level and 2.2m than the first floor. This bungalow has two windows in the flank wall facing the subject dwelling and it is noted that submitted plans indicate their positions to be slightly incorrect. Nonetheless, one is an obscure glazed window which serves the bathroom, therefore less weight will be attached to any loss of light and the second window is a secondary source of light to the kitchen. Objection therefore is difficult to substantiate on the grounds of loss of sunlight that may occur to the flank windows of this property.

Although it is accepted the single storey rear extension close to this neighbour has only been reduced in depth by 300mm, the overall bulk of the proposed development has been greatly reduced when viewed from the rear garden area of this neighbour.

Turning now to No.34, this property lies to the north of the subject dwelling and is a two storey dwelling house. Site visit reveals this property is set away from the common boundary by about 5.5m and has a 1.6m high approx screen hedge. It has an attached double garage with a small greenhouse to the rear close to the common boundary. It has no flank windows to be affected by the proposals.

The development on this side is now to only be at single storey level which will be 400mm less wide than the existing garage. Staff consider these changes drastically reduce the bulk of the proposed development and its potential impact upon the patio area and general outlook of this neighbour.

It is noted that a flank window is proposed at ground level facing this neighbour which serves a utility room. In the event of planning permission being granted, a condition is suggested to ensure this window is obscure glazed with top hung fanlight opening only to protect this neighbours' privacy.

Having regard to the above, Staff consider the scheme as revised to have satisfactorily addressed neighbourliness concerns and no objections are raised to this aspect of the development.

HIGHWAY/PARKING

No additional bedrooms will now be provided to the property, and present parking arrangements will remain, therefore no highway issues arise.

KEY ISSUES/CONCLUSIONS

For the reasons discussed above, the proposal is now considered to be in accordance with the above Policies and approval of planning permission is now recommended, subject to conditions.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

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1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed window in the north facing flank wall that serves the utility room hereby permitted, 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.

5. SC46 (Standard flank window condition)
-

INFORMATIVES

3 Reason for Approval

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

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

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APPLICATION NO:	P0451.12	
WARD :	Upminster	Date Received: 3rd April 2012 Expiry Date: 3rd July 2012
ADDRESS:	Industrial building adjacent to Franks Farmhouse Franks Farm St Mary's Lane Upminster	
PROPOSAL:	Proposed erection of a replacement industrial building for B1 & B8 business use. Revised plan received 29-05-2012	
DRAWING NO(S):	Site Location Plan FF 03352 (1 of 2) FF 03352 (2 of 2)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

SITE DESCRIPTION

The application site comprises land that was previously occupied by two former agricultural buildings that were being used for B1 and B8 purposes, and a third building still in agricultural use. The use of the two B1/B8 buildings was lawful, having been approved at appeal in 1992. The site is located within a complex of agricultural and former agricultural buildings at Franks Farm.

The existing buildings, which are single storey, pitch-roofed buildings are arranged around a square yard. This was formerly a farm yard but is now an area of hardstanding being used as a car park. The application site forms the western range of the former yard, whilst the southern wing is formed by what appear to be vacant agricultural buildings. Part of the northern wing is being used as a gym accessible to members of the public. It is unclear at this time whether this is a lawful use of the building and to what extent it fills the building. Half of the building forming the northern wing was the subject of the 1992 appeal referred to above, where its use for furniture storage and repair was granted.

The three buildings forming the application site were attached, pitch roofed structures forming the western range of the complex of buildings located at Franks Farm. The smallest and northernmost of the three was approximately 4m in height and had a volume of approximately 115m³. The largest building, located between the other two, was approximately 8.3 metres in height and had a volume of around 1930m³. The southernmost building had a height of approximately 6.5m and a volume of around 763m³. These buildings have been demolished and are in the process of being replaced with a new building and the site is currently occupied by an unauthorised, steel-framed structure.

The site's western boundary lies adjacent to open grassland and a pond, beyond which is a Grade II listed building known as Frank's Farmhouse. The southern boundary abuts an existing, single storey, pitch-roofed building. The eastern boundary adjoins what was a farm yard but is now a car park associated with the gym and the commercial uses. The northern boundary abuts the northern wing of the complex of buildings, which is being used as a gym.

The site is located approximately 90m to the west of the M25; 410m to the north of St Mary's Lane from which the site is accessed via a single lane, private access road; and 35m to the east

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of the afore mentioned listed building. The site is located in the Green Belt and within the setting of a listed building.

DESCRIPTION OF PROPOSAL

This partly retrospective planning application seeks planning permission for the demolition of three buildings, two of which were lawfully in use for B1/B8 purposes, and a third which was in agricultural use, and the erection of a replacement building to be used for B1/B8 purposes. The proposal would therefore result in the material change of use of the land occupied by the afore mentioned agricultural building, along with the proposed building operations.

This application is a re-submission, following the refusal of a previous scheme. The proposed development now under consideration is smaller than the previous proposal, being around 2m lower in height (to ridge), a smaller footprint, and therefore a smaller overall volume. The profile of the building has also been re-designed, and changes have been made in relation to the fenestration, to give the building a more agricultural appearance. For instance, the previously proposed roller-shutter doors are replaced by sliding, wooden, agricultural doors, and the various other openings are more in keeping with the existing buildings at the site.

The replacement building has been partially erected with the steel frame structure being in place. The building would largely continue the established B1/B8 uses at the site. The proposal, when completed, would be a pitch roofed building approximately 8m in height. The footprint of the building, approximately 455sqm in area, is smaller than the combined footprint of the three former buildings, which was approximately 505sqm in area. The proposal would have a lower volume than that of the three former buildings combined, being approximately 2802m³ compared to approximately 2810m³.

RELEVANT HISTORY

The following planning decisions are of relevance to this application:

P1906.11 - Retrospective application for the demolition of buildings and the erection of a replacement building for B1 & B8 business use - Refused for the following reasons:

"1) The proposed development would be detrimental to the openness of the Green Belt as it would result in a replacement building that is significantly larger than the buildings it replaces. The proposal is therefore contrary to Policy DC45 of the Core Strategy and Development Control Policies DPD.

2) The proposed development would constitute inappropriate development in the Green Belt with no very special circumstances having been submitted that outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The proposal is therefore contrary to the guidance contained in PPG2, and Policy DC45 of the Core Strategy and Development Control Policies DPD.

3) The proposed building, by reason of its height and overall scale, bulk and massing, would be detrimental to the visual amenities of the Green Belt and the character of the area and would therefore be contrary to the guidance contained in Paragraph 3.15 of PPG2 and Policy DC61 of the Core Strategy and Development Control Policies DPD.

4) It is considered that the proposed development, by reason of its height, bulk, massing, and its proximity to Franks Farmhouse, would be detrimental to the setting of a listed building, contrary to Policy DC67 of the Core Strategy and Development Control Policies DPD and the guidance

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contained in PPS5."

T/APP/C91/B5480/609578-81/P6 - Appeal against an enforcement notice served by the London Borough of Havering alleging the unauthorised material change of use of land/buildings. Appeal allowed and notice quashed, 1992.

This appeal decision effectively granted planning permission for the use of two of the demolished buildings as workshops and storage. The application under consideration proposes B1/B8 uses, which are considered to be consistent with the uses approved as part of the appeal. The remaining demolished building, at the northern end of the western range of buildings, was not referred to in the appeal, and in the absence of any evidence to the contrary, is considered to have remained in agricultural use.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 19 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press.

Comments have been received from the following consultees:

Highways - No objections.

Environmental Health - No objections; condition recommended.

London Fire Brigade - No objections.

Heritage Officer - No objections; condition recommended.

Natural England - No objections.

RELEVANT POLICIES

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

DC61 - Urban Design

DC63 - Delivering Safer Places

DC67 - Buildings of Heritage Interest

National Planning Guidance

The National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The application under consideration would give rise to a Mayoral CIL payment of £9,100 as it proposes the erection of a new building of 455sqm in area, where the previous buildings have not been in use for at least six months of the last twelve.

STAFF COMMENTS

This application is brought before Members as it proposes inappropriate development in the

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Green Belt and therefore a Departure from the Development Plan. Officers consider that the main issues to be considered are the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

PRINCIPLE OF DEVELOPMENT

The proposed development would take place within the Green Belt. Policy DC45 of the LDF states that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment. The preamble to this policy implies that this aspect of Policy DC45 concerns instances where an existing commercial site is redeveloped as a new use, such as housing or a mix of uses, and that the Departure procedure would apply. The development in question proposes the replacement of buildings, which, for the most part, would not involve a change of use. The change of use that would occur would relate to a very small area.

However, as the proposal is not entirely for the redevelopment of an authorised commercial/industrial estate, given that it includes an element of agricultural use, it is considered that the proposal would not be in accordance with Policy DC45 of the LDF.

National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, 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. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- 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.

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 (NPPF, paragraph 88).

In terms of Green Belt policy, this application proposes the erection of a new building to replace former commercial/agricultural buildings, and the change of use of a small area of land (approximately 16sqm) from agricultural to B1/B8 uses. Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate unless it is for given purposes. These include the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. Whilst the proposal under consideration is mainly in the same use as the buildings it would replace, and smaller than them, part of the redeveloped area would result in a change of use. The proposal does not therefore accord with this aspect of the guidance. The guidance contained in the NPPF indicates that material changes of use in the Green Belt constitute inappropriate development.

It is therefore considered that the proposal would constitute inappropriate development in two

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respects. The proposed building operations and the proposed material change of use would constitute inappropriate development in the Green Belt.

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 (NPPF, paragraph 88). Prior to appraising the very special circumstances case put forward, it is necessary to consider whether any other harm would arise from the development. This is explored in the following sections.

It is considered that the proposed building, given its siting, scale and design, and the small scale of the proposed change of use, particularly compared to the buildings it replaces, would not be detrimental to the openness of the Green Belt or conflict with any of the purposes of including land in the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located within in the Green Belt.

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.

It is considered that the proposal, in terms of its form and materials, the latter of which could be controlled by a condition, would have a rural character in keeping with the surrounding landscape. In terms of its footprint and volume, the proposal would be smaller than the buildings it replaces, which were in a run-down condition, and would not be out of scale with the existing buildings at the site. It is considered that the proposed building, given its siting, scale and design, and the small scale of the proposed change of use, particularly compared to the buildings it replaces, would not be detrimental to the openness of the Green Belt

Given the nature of the proposal, including its siting, height, bulk, and massing, it is considered that it would not result in any significant adverse impacts on the visual amenities of the Green Belt or the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and the guidance contained in the NPPF.

IMPACT ON AMENITY

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

The Council's Environmental Health Officer has recommended the imposition of a condition relating to contaminated land. This condition can be imposed should planning permission be granted.

The proposed building would continue the B1/B8 uses of the buildings it replaces, although it would also change the use of land that was formerly occupied by a small agricultural building. The proposed change of use, which is modest in relation to the pre-existing commercial uses, and in terms of the physical changes to the structures at the site, it is considered that the proposal would not result in any significant adverse impacts on local amenity. The nearest residential properties outside the ownership of the applicant are located in excess of 400m from the site.

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Given the nature of the proposal, including its siting, scale and design, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers, and the proposal would not be contrary to Policy DC61 of the LDF.

HIGHWAY/PARKING

DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. The proposed development would largely continue an existing, lawful use although, by reason of the increased size of the building, the proposal could result in an intensification of the use of the site. However, the Council's Highway Authority has considered the application and raised no objections. The proposal is therefore considered acceptable in terms of the proposed parking and access arrangements.

OTHER ISSUES

Green Belt - Very Special Circumstances

The proposed development would result in a decrease in the amount of building at the site, although not a substantial decrease, with the volume of the buildings reducing by approximately 8m³. The footprint of the building would be less than the previous buildings, whilst, overall, the height would be slightly higher. Overall, the built volume would be reduced. The buildings being replaced were in a run-down condition and it is therefore argued that the proposal would result in an improvement to the visual amenities of the area. The applicants also state that the proposal would assist in reducing the transmission of noise from the M25 to Franks Farm House.

Given that the proposed change of use would be very modest in scale, and that the overall outcome would be a smaller building than what occupied the site previously, and given that the former buildings were in a poor state of repair and that the proposal would reflect the vernacular of the area, it is considered that the harm, which is by reason of inappropriateness only, is overcome by very special circumstances.

Listed Building Impact

Policy DC67 of the LDF states that planning applications involving listed buildings or their settings will only be allowed where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF states that when assessing development affecting the setting of designated heritage assets, "great weight should be given to the asset's conservation."

The site is located approximately 35m to the east of the Grade II listed Frank's Farmhouse, which dates from the fifteenth century. The Council's Conservation Officer has raised no objections to the proposal. English Heritage has raised no objections subject to the use of a condition to protect any on-site archaeological remains. The proposal is considered to be in accordance with Policy DC67 of the LDF and the guidance contained in the NPPF, subject to a condition controlling the use of external materials, and the aforementioned archaeological condition.

In terms of nature conservation considerations, the proposed development has so far resulted in the demolition of three buildings, which may have been inhabited by bats. Whilst it is now too late to request a bat, or other protected species survey, a condition could be imposed, should planning permission be granted, requiring the submission of details relating to nature conservation measures, such as the installation of bat boxes.

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KEY ISSUES/CONCLUSIONS

The application proposes inappropriate development in the Green Belt, however, it is considered that the very special circumstances submitted overcome the harm by reason of inappropriateness. Whilst the proposal is contrary to Policy DC45 of the LDF, it is considered that the very special circumstances and the nature of the proposal, in comparison to what it would replace, overcome this. In all other respects, the proposal is considered to be acceptable.

The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC61, DC63, and DC67 of the LDF, and all other material considerations.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

3. SC4 (Time limit) 3yrs
4. SC09 (Materials) (Pre Commencement Condition)
5. SC32 (Accordance with plans)
6. SC77 (Archaeological investigation) (Pre Commencement)
2. Non Standard Condition 31
No further development shall take place until a scheme is submitted for approval in writing by the Local Planning Authority detailing the wildlife habitat measures to be incorporated into the development. These measures should include bat and bird boxes. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason:

In the interests wildlife and to compensate for any potential loss of habitats that might have arisen from the unauthorised demolition of the site's former buildings.

7. Non Standard Condition 37
Prior to any further works pursuant to this permission taking place, the developer shall submit for the written approval of the Local Planning Authority;
 - a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Continued ↓.

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

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

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

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

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

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

INFORMATIVES

4 Non Standard Informative 1

The application proposes inappropriate development in the Green Belt, however, it is considered that the very special circumstances submitted overcome the harm by reason of inappropriateness. No other harm has been identified. Whilst the proposal is contrary to Policy DC45 of the LDF, it is considered that the very special circumstances and the nature of the proposal, in comparison to what it would replace, overcome this. In all other respects, the proposal is considered to be acceptable.

The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC61, DC63, and DC67 of the LDF, and all other material considerations.

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APPLICATION NO:	P0493.12	
WARD :	Romford Town	Date Received: 5th April 2012 Expiry Date: 31st May 2012
ADDRESS:	91 Waterloo Road Romford	
PROPOSAL:	Variation of condition 4 of planning permission P1285.06 in order to enable prayers to take place daily during the months of April, May, June, July, August and September between 0400 and 2330	
DRAWING NO(S):	OS Map	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

BACKGROUND

Members will be aware that planning permission was granted in March 2007, under application reference P1285.06, for a change of use of the building for Class D1 purposes. The building has since been adapted from its former use as a fireplace showroom to a community centre, which has been operating for over four and a half years. The centre known as the Havering Islamic Cultural Centre is principally used for community purposes, including religious instruction and prayer meetings. Internally the building comprises at ground floor a creche facility, ladies room, office, toilets, library and elders day room and at first floor a multi-purpose hall, gymnasium, IT room and toilets. The first floor multi-purpose hall is used for prayer meetings and at other times for either table games or language classes.

The most important Muslim practises are the Five Pillars of Islam. The Five Pillars of Islam are the five obligations that every Muslim must satisfy in order to live a good and responsible life according to Islam. These pillars are the declaration of faith, performing ritual prayers five times a day, giving money to charity, fasting during the month of Ramadan and a pilgrimage to Mecca (at least once). Carrying out these obligations provides the framework of a Muslim's life, and weaves their everyday activities and their beliefs into a single cloth of religious devotion.

The five daily prayers referred to above are obligatory and they are performed at times determined essentially by the position of the Sun in the sky. It is for this reason that the Prayers take place at different times throughout the year and throughout the world.

The five prayers are undertaken as follows as specified within the Quran:

The Dawn Prayer (Fajr) - dawn, before sunrise

The Noon Prayer (Zuhr) - after the sun passes its highest point

The Afternoon Prayer (Asr)

The Sunset Prayer (Maghrib) - just after sunset

The Night Prayer (Isha) - between sunset and midnight

On a typical day this means that the five Prayer meetings are held around 0700, 1330, 1630, 1800 and 2030. On a Friday between 1230 and 1430 a congregational Prayer gathering replaces the Noon Prayer.

In granting planning permission for the change of use of the building to a community centre the Council imposed an hours of operation condition which prevents the use of the centre other than

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between the hours of 0700 and 2130 on any day. The purpose of this condition was to safeguard residential amenity. Although not apparent at the time the original application was approved the hours of operation condition essentially prevents the carrying out of the Morning Prayer and the Night Prayer at the centre during the summer months. During the summer months sunrise and sunset occurs outside of the permitted hours.

It was for this reason that a planning application (reference P1509.08) was submitted in August 2008 seeking permission for the hours of operation condition attached to P1285.06 to be varied to allow the centre to open between 0400 and 2300 on any day during the months of May, June and July in order to enable Morning Prayer and Night Prayer. Planning permission was granted for a temporary one-year period.

A further application was submitted in June 2010 (reference P0737.10) seeking permission for the centre to open throughout the year on any day between 0400 and 2300 rather than just on specific months of the year. Members subsequently approved this application for a temporary period of one year expiring on 19th July 2011 in order that the impact of the extended hours of operation could be monitored. At the time when this application was considered Members raised no concerns in respect of the impact on residential amenity.

In June 2011 a planning application was submitted seeking a permanent permission for the extended hour of operation of 04:00 till 23:00 on any day (ref. P0927.11). As per the 2010 temporary permission the application sought a permanent extension of operating hours throughout the year rather than on selected months of the year. The applicant has indicated that this was a mistake and that the application should have been presented as seeking a permanent extension of hours on selected months only. The application was presented to Committee with a recommendation for approval, however Members resolved to refuse the application in November 2011 for the following reason:

1. The proposed additional hours of operation would, by reason of noise and disturbance caused by visitors entering and leaving the premises, vehicles parking and manoeuvring, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Local Development Framework Development Plan Document.

SITE DESCRIPTION

The application site is situated on the eastern side of Waterloo Road to the south of the railway line. The site is occupied by a two storey building which is being used by the Havering Islamic Cultural Centre for community related purposes under a Class D1 use. Vehicular access to the site is via Bridge Close to the rear. The Centre has recently purchased a parcel of adjoining land to the north and east of the building for use as a car park. This car park is capable of holding approximately 50 cars and is accessed from Bridge Close. To the southern side of the subject building is a further area in which approximately 5 cars can be parked.

To the east of the site is the Bridge Close industrial estate and to the south of the site is a row of terraced residential properties fronting onto Waterloo Road. The portion of Bridge Close which runs to the rear of these properties is presently subject to a single yellow line parking restriction on the eastern side of this road, which operates between 0800 and 2030 on any day and a double yellow line (no waiting and no loading at any time) restriction on the western side of this road. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day. Opposite the site on the western side of Waterloo Road is a flatted development on the former Oldchurch Hospital site.

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DESCRIPTION OF PROPOSAL

This application seeks planning permission to vary condition 4 of planning permission P1285.06 in order to enable prayer to take place daily during the months of April, May, June, July, August and September to enable the centre to operate between the hours of 04:00 and 23:30 on any day.

The premises are currently subject to a condition in respect of operating hours, which was imposed on planning permission P1285.06. The condition states 'the premises shall not be used other than between the hours of 0700 and 2130 Mondays to Sundays and at no other time without the prior consent in writing of the Local Planning Authority'.

Therefore, this proposal seeks an additional 3 hours operation in the morning between 0400 and 0700 and an additional 2 hours in the evening between 2130 and 2330. As explained above within the background section of this report Muslim's undertake five Prayers each day the first at sunrise and the last at sunset. The proposed extension of operating hours would enable Morning Prayer and Night Prayer to take place at the centre during the months (predominantly in the Summer season) when sunrise is early in the morning and sunset is late in the evening. The applicant has advised that current attendance figures for the Dawn Prayer are between 5 and 10 people. The Night Prayer is typically attended by between 10 and 20 people.

RELEVANT HISTORY

- P0927.11 - Use of premises as a community centre on a permanent basis between the hours of 04:00 and 23:00 on any day to enable prayer.
Refuse 17-11-2011
- P0737.10 - Continued use of premises as a community centre (class D1) with variation of condition 4 of planning permission P1285.06 to enable 4 am to 11pm opening on any day
Apprv with cons 19-07-2010
- P1509.08 - Continued use of premises as a Community Centre (Class D1) with variation to condition 4 of planning permission P1285.06
Apprv with cons 10-10-2008

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 20 adjoining occupiers with two letters of objection and approximately 242 letters of support being received. Objections were raised on the grounds of noise and disturbance caused by visitors entering and leaving the premises and vehicles parking and manoeuvring causing unacceptable impact on neighbouring amenity. Concerns were also raised regarding the vehicles being parked in front of neighbouring driveways.

The Highway Authority raises no objection to the proposals.

RELEVANT POLICIES

LDF

- DC32 - The Road Network
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

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OTHER

LONDON PLAN - 6.13 - Parking
NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues arising from this application are the principle of development, design/street scene issues, impact on amenity and parking/highway issues.

PRINCIPLE OF DEVELOPMENT

The principle of the community centre use has been established by planning permission reference P1285.06. Staff raise no objections in principle to the proposed extension of operating hours subject to compliance with other plan policies.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would not result in alterations to the appearance of the premises. The proposed additional operating hours would have no impact upon the existing environment.

IMPACT ON AMENITY

As explained above the proposed extension of operating hours between 0400 and 2330 on any day for the months of April to September would enable the centre to offer the five obligatory Prayers on any day. The present operating hours prevent the Morning Prayer and Night Prayer from taking place at the centre on a number of days throughout the year when sunrise is early in the morning and sunset is late in the evening (i.e. outside of the current permitted hours). It should be noted that the only difference between current the proposal and the temporary permission granted in 2010 under P0737.10 is a closing time of 2330 rather than 2300.

In any event the centre has an established permanent planning permission which enables it to operate between the hours of 0700 and 2130 on any day. Consideration should therefore be given to the potential impact on neighbouring amenity for the additional hours requested between 0400 and 0700 in the mornings and 2130 and 2330 in the evenings on any day for the months of April to September.

In order to reach a conclusion as to whether the additional opening hours would be harmful to residential amenity it would be helpful to understand the number of Centre members involve and how the Centre would be used during these hours.

The agent has stated that the Centre has a membership of approximately 100 members. The Dawn Prayer is typically attended by between 5 - 10 people and the Night Prayer typically by between 10 and 20 people. Members usually arrive between 5 - 10 minutes before the start of a prayer session with the sessions lasting no longer than 20 minutes. The Centre would therefore only be used for a limited time during the additional hours being sought. It should also be noted that the Centre would only be used for prayer during these additional hours sought and that any other community activities would take place between the normal hours of 0700 and 2130.

Residential properties are located immediately to the south of the site fronting Waterloo Road, with no. 95 Waterloo Road being the closest. Members may recall from the previous applications that the entrance to the centre is located on the western elevation of the building fronting to Waterloo Road. Furthermore, the flank elevation of the neighbouring property does not have any window openings facing the site. Although it is acknowledged that the ambient noise levels in the locality are generally lower during the additional periods of operation being sought, than during the daytime, the site is located on a busy road and adjacent to a main

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19th July 2012

railway line. Staff are of the view that in this town centre location a lower level of amenity is generally afforded than in a predominantly residential area.

As part of the current submission the applicant has also conducted a noise impact assessment. This was done after pre-application discussions with Environment Health. The survey is based on a typical mid evening service of 22 members and demonstrates that no sound emanating from activities within the centre would be audible from outside the centre, even during lulls in passing traffic.

The previous application was judged by Members to be contrary to Policy DC61 of the LDF in that likely noise and disturbance generated by visitors entering and leaving the premises together with vehicles parking and manoeuvring would be harmful to residential amenity.

The agent has indicated that although parking is currently unrestricted on the eastern side of the road behind the properties along Waterloo Road between the hours of 2030 and 0800, the attendance outside of these hours would be limited and could be sufficiently catered for in the Centre's car park on the northern side of the Centre. Noise generated by doors slamming, engines starting and people entering and leaving the premises would be contained in the car park which is situated way from residential properties and contained between the existing building on site and the adjacent rail embankment.

The agent has also indicated that the applicant has no objection to suitable conditions to limit the number of people attending the building and a condition to preventing amplified music or speech during the additional hours of operation. The centre is also willing to introduce additional management measures which would include:

1. display of internal signage to remind members to leave the Centre in a quiet manner and not to congregate outside the building.
2. ensure that the members attending the Dawn and Night Prayers only park within the Centre's car park behind the building.

Given the limited amount of people that would attend the Centre during the extended hours and the ability to cater for these vehicles in an area which is set away from neighbouring properties, Staff do not consider the additional noise and disturbance created would be to an unacceptable degree given the surrounding noise from a busy road and rail line. Staff are of the view that in event Members are minded to grant planning permission for this current application a condition to limit the number of people who can occupy the building and preventing amplified music or speech during the additional hours of operation should be attached.

HIGHWAY/PARKING

At the time when the original planning permission was granted in March 2007 the centre had limited off street car parking with space for only five cars within the confines of the site. Based upon the floor area of the building the Council's maximum parking standards set out in the LDF advise that 120 off street spaces should be provided for a use of this nature. Given the location of the application site within a highly accessible town centre location and in view of the anticipated number of visitors staff considered that it would be unreasonable to require the centre to provide such a high level of car parking. Members therefore resolved to approve the original planning application on the basis that the centre would seek to discourage car use and advocate public transport through a travel plan. Members also gave consideration to the fact that off street parking is available within the nearby Brewery centre car park.

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Since the centre has been open it has grown in popularity and this has resulted in an increased number of people travelling to the centre from further afield often by car. Despite the proactive approach taken by the centre to discourage car usage and to encourage considerate parking Members will be aware that there has been concerns raised regarding parking problems within Bridge Close.

It also should be noted that that parking tickets were regularly being issued for vehicles parked in Bridge Close believed to be visiting the centre.

In recognition of the parking problems caused within Bridge Close by visitors the centre has taken additional steps to remedy the problem. Firstly the centre obtained a parcel of land to the north and east of their building. The land, which was previously used as car park for a nearby business, is now available for the parking of vehicles belonging to visitors attending the centre. The capacity of this unmarked car park is large enough for approximately 50 cars. Several members of the centre have also taken on a parking management/attendant role and seek to monitor parking during busy periods with a view to preventing incidents of inconsiderate on street parking. These measures has significantly reduced incidents of on-street parking and its associated problems. The Centre also operates a travel plan which encourages members to car share, cycle or use public transport whenever possible.

It should also be noted that the portion of Bridge Close, that leads up to the Centre is presently subject to a single yellow line parking restriction on the eastern side of this road, which operates between 0800 and 2030 on any day and a double yellow line restriction which was recently introduced (no waiting and no loading at any time) on the western side of this road. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day.

It is evident that the operation of the centre has resulted in on street parking difficulties within Bridge Close. In reaching a conclusion on this application Members will wish to give consideration to the fact that the centre has an established planning permission enabling operation between 0700 and 2130 on any day. The judgement therefore is whether the proposed additional hours of operation are likely to give rise to a significant impact on the function of the highway.

Staff are of the view that the current on street parking restrictions in the vicinity of the site are sufficient to prevent significant incidents of parking on the highway during the hours the restrictions are in operation. Clearly outside of these hours on street parking could occur however in the event that an adjoining residential driveway was to be obstructed the Police could take action. In the event that on street parking continues to result in the future despite the current parking restrictions then staff are of the view that there are enforcement mechanisms in place separate from planning legislation to deal with this issue. However given the limited number of Centre members likely to attend Dawn and Night Prayers Staff do not consider the additional hours of operation to give rise to unacceptable parking concerns. The Highway Authority raised no objection to the proposals.

KEY ISSUES/CONCLUSIONS

The application seeks planning permission for a variation of the original permission for the centre to enable hours of operation between 0400 and 2330 on any day for the months of April to September . Members will be aware that planning permission was previously refused for additional hours sought between 0400 and 2300 throughout the year due to the potential harm to neighbouring amenity as a result of noise and disturbance. Staff consider, on balance, that the applicant has sufficiently demonstrated that the current proposal has addressed the previous

REGULATORY SERVICES COMMITTEE

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reason for refusal by providing a parking area away from residential properties and assessing the potential impact of a limited number of members that would attend the Dawn and Night Prayers. Staff consider the current proposal acceptable subject to conditions and do not consider the proposals to result in an unacceptable impact on adjoining residential occupiers or the public highway.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. Non standard condition

From April to August the premises shall not be used for the purposes permitted other than between the hours of 0400 and 2330 on any day. Between the hours of 0400 & 0700 the premises shall not be occupied by more than 10 people at any one time and between the hours of 2130 & 2330 the premises shall not be occupied by more than 20 people at any one time. From October to March the premises shall not be used for the purposes permitted other than between the hours of 0700 and 2130 on any day.

Reason:-

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

2. Non standard condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the building hereby permitted shall be used solely as office, prayer/education and meeting/social facilities and for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority unless otherwise agreed in writing of the Local Planning Authority.

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

3. Non standard condition

The use hereby permitted shall continue to operate in accordance with the Travel Plan submitted to and agreed in writing by the Local Planning Authority pursuant to planning permission reference P1285.06

Reason: In the interest of highway safety and residential amenity.

4. Non standard condition

No amplified music or speech shall be relayed on the site including within the building unless details and specifications of the equipment has first been submitted and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

5. Non standard condition

The noise insulation scheme submitted to and agreed in writing by the Local Planning Authority pursuant to planning permission reference P1285.06 shall continue to be retained.

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Reason: To protect the amenity of nearby residents.

INFORMATIVES

5 Informative - Reason for Approval

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

6 Non Standard Informative 1

The applicant is reminded that this permission does not in any way change or alter the planning conditions imposed on planning permission reference P1285.06.

REGULATORY SERVICES COMMITTEE

19th July 2012

APPLICATION NO:	P0501.12	
WARD :	Romford Town	Date Received: 26th April 2012 Expiry Date: 21st June 2012
ADDRESS:	10 Princes Road Romford	
PROPOSAL:	Two storey side and single/ two storey rear extensions (revised plans received 6/6/12)	
DRAWING NO(S):	Site plan CS04 Block plan CS05 Ground and first floor plan CS03 rev A Front and rear elevation CS01 rev A North and south elevation CS02 rev A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

CALL-IN

This application has been called to Committee by Councillor Andrew Curtin as he considers there are issues relating to the quality of living space which would be created.

SITE DESCRIPTION

A two storey, end of terraced property located within a block of 5 dwellings on the west side of Princes Road. The property has a hipped roof and is finished in painted render on the front elevation with yellow stock bricks at the rear.

The land level drops to the rear of the property (west) and no trees are affected by the development.

There is parking space to the side of the dwelling for 2-3 vehicles and the front of the property is paved over.

DESCRIPTION OF PROPOSAL

A two storey side extension and part single, part two storey rear extension is proposed. The side extension projects up to the side boundary and measures approx 2.3m wide and extends 7m for the full depth of the dwelling. At first floor the front will be stepped back 0.8m and a matching hipped roof will be formed over.

At the rear an existing small conservatory is to be demolished to make way for the construction of a full width ground floor extension to a depth of 3m over which a first floor addition will be formed 2.5m deep x 3m wide incorporating a hipped roof.

RELEVANT HISTORY

P0123.06 - Two storey side extension and conversion of property to form 3 No flats - Refused
P0847.06 - Conversion of existing house to form 2 No flats with single rear extension - Refused

CONSULTATIONS/REPRESENTATIONS

REGULATORY SERVICES COMMITTEE

19th July 2012

7 adjoining residents were notified of the development. A total of 13 representations have been received via email or hard copy including one representation from a local Councillor.

The objectors raised the following main areas of concern in summary form:-

- Appearance and scale of development out of character with surrounding area;
- Cramped appearance;
- Loss of light;
- Overlooking and loss of privacy;
- Loss of parking provision on site leading to overspill parking on to street;
- Additional noise and disturbance both during construction and afterwards;
- Existing multiple occupation increased as a result of the development;
- Concern that the development will not be finished to a satisfactory standard;
- Adequacy of drains;
- Plans lack detail with no scales or dimensions shown;
- Site plan inaccurate;
- Precedent set to allow more development in the area;
- Garden space inadequate for extended building;
- Anti-social behaviour by occupants.

A local Councillor expressed concern that the scheme would give rise to a cramped appearance which would be harmful to both the street scene and rear garden environment, would cause light loss to the neighbouring property, give rise to unacceptable noise and disturbance and result in loss of outlook.

A response to the planning issues raised by objectors is contained in the officer assessment below.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document.
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

MAYORAL CIL IMPLICATIONS

None

STAFF COMMENTS

None

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development is acceptably designed and relates satisfactorily to the existing terraced block in terms of scale, bulk and massing. Given the staggered relationship between the subject dwelling and No 8, the development is unlikely to produce an unacceptable terracing effect. Indeed, it is noted that terraced properties are not an uncharacteristic feature of the surrounding area.

Subject to the use of appropriate matching materials, no objections are raised to the development from the visual impact point of view, and the development is considered to comply with guidelines. Such a view is not inconsistent with the decision to refuse planning permission for an earlier application, P0123.06 where a similar development was proposed. In that case gable roofs were proposed and the size of the first floor rear extension was significantly larger.

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IMPACT ON AMENITY

The potential impact upon neighbouring occupiers is the most sensitive issue in this case. In relation to the attached neighbour, No.12. This property lies to the south of the subject dwelling and therefore will experience no sunlight loss. At a depth of 3m at ground floor level, the development complies with guidance. With a maximum overall height of 3.2m a small part of the development is slightly in excess of guidelines. However with the particularly favourable aspect, staff consider any adverse impact upon the attached neighbour from the ground floor component will be modest and acceptable.

The first floor extension is well removed from the common boundary with No.12 and given the favourable aspect will cause no significant loss of amenity. It is further noted that the proposal will not impinge a notional line formed from a 3m deep rear projection set 2m away from the common boundary as required by guidance.

In relation to No.8. This property is set further back into its plot and has an attached garage to the side. There is a small window at first floor level which serves the landing area. Due to the staggered relationship with the subject property, staff consider the development will not unduly impact upon the amenity and outlook of this neighbour and the spirit of guidelines is met. Again, the proposal will not impinge upon a notional line applied from the rear corner of this neighbour's property as suggested by guidance.

The proposal is not considered to be unneighbourly and no objections are raised to this aspect of the development.

Response to issues raised by Objectors:

Analysis of representations reveals an underlying concern of residents that the premises are currently in multiple occupation and that were the development to be approved, existing noise/disturbance and parking problems would be exacerbated. In this respect, whilst the submitted plans fail to identify the nature of the accommodation to be provided, it is possible within planning legislation for up to 6 unrelated adults to live together sharing communal facilities. Any use beyond this level would be unauthorised and potentially could lead to enforcement action if it were deemed appropriate. Details of these concerns have been referred to Enforcement for investigation and monitoring and need not delay consideration of the application as presented.

Noise and disturbance during construction and subsequently would be addressed under separate Environmental Health legislation.

Drainage matters and the finished standard of workmanship is a matter for Building Control and not a planning consideration.

Potential anti-social behaviour is a matter for the Police.

Parking issues are addressed below.

Remaining issues which have not been addressed above are either not material planning considerations or do not constitute a reason for refusal of planning permission.

HIGHWAY/PARKING

Staff consider that parking concerns form the second most sensitive issue in this case.

In this respect, this proposal will result in the loss of parking potential to the side of the property.

REGULATORY SERVICES COMMITTEE

19th July 2012

The parking space available to the front of the property is substandard in size and awkward to use.

The site lies within a PTAL area indicating 2-1 parking spaces should be available on site to meet the needs of the development. Resident permit parking is in place along this part of Princes Road with two wheel on, two wheel off parking bays. Given the availability of one parking space on site (albeit substandard and awkwardly positioned) a refusal on the basis of insufficient parking provision would be difficult to justify in the event of an appeal.

Overspill or illegal parking as may arise would be a matter for StreetCare enforcement and not a planning consideration.

KEY ISSUES/CONCLUSIONS

The proposed development complies with guidelines in respect of neighbourliness and visual impact and no objections are raised to these aspects of the development. The development has one substandard parking space available on site but any overspill parking would be a matter for parking enforcement.

The concerns about the intended future use of the premises by residents is natural but the application must be considered on the merits of the case as presented.

The proposals are considered to comply with guidelines and approval of the application is recommended.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC31 (Use as part of main dwelling) ENTER DETAILS

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 10 Princes Road and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the subdivision of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. SC46 (Standard flank window condition)
-

INFORMATIVES

REGULATORY SERVICES COMMITTEE

19th July 2012

7 Reason for Approval

Reason for Approval

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

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

REGULATORY SERVICES COMMITTEE

REPORT

19 July 2012

Subject Heading:	Planning Contravention 72 Crow Lane Romford Essex
Report Author and contact details:	Simon Thelwell Planning Control Manager (Projects and Compliance) 01708 432685 simon.thelwell@havering.gov.uk
Policy context:	Local Development Framework
Financial summary:	Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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

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 a residential property at 72 Crow Lane, Romford. In February 2012 the Planning Enforcement service received a complaint that 2 outbuildings to the rear of the property had been converted for use as independent residential living accommodation. The first outbuilding is a wooden structure, and directly

behind is a second concrete outbuilding. Each outbuilding is rented out by persons separate to the occupation of the main property at 72 Crow Lane and the use of the outbuildings is independent from the main property at 72 Crow Lane. The outbuildings have been sectioned off from the main garden with access via the rear garden. This unauthorised use is considered to be an unacceptable intensification of the land and therefore it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

RECOMMENDATIONS

That the Committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the notice:

- Cease using the outbuildings for residential purposes.
- Remove from the outbuildings all fixtures and fittings associated with their unauthorised use for residential purposes.

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

REPORT DETAIL

1. Site Description

- 1.1 72 Crow Lane, Romford, is a detached chalet style bungalow in a street of mixed residential and industrial buildings. The rear of the house backs onto an industrial unit but has residential houses either side of it. The main building is in use as a House of Multiple Occupation (Class C4 Town and Country Planning (Use Classes) Order 1987 (as amended) and has tenants in place who have been housed by Havering Council.

2. The alleged planning contravention

- 2.1 Without planning permission, the use of 2 outbuildings in the rear garden as independent, self contained residential accommodation. The alleged breach has occurred within the last 4 years.

3. Relevant Planning History

- 3.1 D0156.10 - Certificate of Lawful Development for use to provide care for up to six people including staff, for people with Learning disabilities and mental health. Supported living Scheme.

D0213.10 – Certificate of lawfulness to provide care for up to six people including staff, for people with Learning disabilities and mental health. Supported living Scheme. C3(B)

Both these applications were withdrawn by the applicant and were related to the main house.

4. Enforcement Background

4.1 A complaint was received in February 2012 alleging that people had moved in to 2 outbuildings situated in the rear garden of 72 Crow Lane, Romford. Staff visited the site and found that the two outbuildings were occupied as self contained residential units unconnected to the main dwelling.

4.2 Access to the outbuildings is via the side path to the main house which leads into the rear garden. There is no other access to the outbuildings. The access also runs alongside the neighbouring property at No. 70 Crow Lane whose main living room windows are on the flank wall adjacent to No. 72 Crow Lane.

4.3 The owner of the property has confirmed that he has leased out these two outbuildings as separate residential units of accommodation.

4.4 This constitutes a material change of use from the authorised use as outbuildings ancillary to the main dwelling to independent self contained residential units. This change has occurred within the last 4 years. The owner has expressed the desire to submit a retrospective planning application to enable him to use the outbuildings as separate residential accommodation. Staff are of the view that planning policy and other relevant material planning consideration would not support such a proposal.

5. Material Considerations of the Use or Development

5.1 The unauthorised use of two outbuildings for independent living accommodation within the rear garden of No. 72 Crow Lane give rise to overdevelopment at the site having a detrimental impact on the living conditions of adjoining occupiers by reason of noise and general disturbance. The subdivision of the rear garden also provides insufficient amenity space to future occupiers of the site and there is a lack of parking or refuse storage facilities on site.

It is considered that the development is contrary to Policies, DC4, DC33, DC61 and policy DC55 of the Local Development Framework apply.

6. Justification for intended action

- 6.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the impact and nature of the unauthorised change of use. The relevant policies of the LDF are DC4, which deals with conversions to residential uses, policy DC33 that deals with parking, policy DC55 that deals with noise and policy DC61 that deals with urban design.
- 6.2 Policy DC61 seeks to ensure that all development is compatible with its surrounding environment. In this case it is considered that the unauthorised use of the outbuildings for independent living accommodation has led to an unacceptable intensification of the land which materially prejudices the living conditions of neighbouring occupiers. The sub division of the garden and the access path that run along the side have resulted in an unacceptable loss of privacy to the occupiers of No. 70 Crow Lane contrary to the requirements of Policy DC4.
- 6.3 Overall, the development creates substandard, living conditions, lack of amenity space, parking and refuse storage. It is inappropriate to and out of character with the neighbourhood and generates unacceptable increase in noise, general disturbance and loss of privacy for both occupants of the property and neighbouring occupiers and therefore the use is contrary to the Local Development Framework.
- 6.4 Based on the information in this report it has been regarded that planning conditions can not mitigate the adverse consequences of the breach. In these circumstances, it is considered expedient to take enforcement action.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

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

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

1. Ordnance survey extracts showing site and surroundings.

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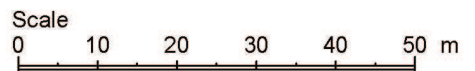


72 Crow Lane

Map Reference: TQ5087NW



Scale @ A4 1:1000
Date: 06/07/2012



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

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REGULATORY SERVICES COMMITTEE

REPORT

19 July 2012

Subject Heading:

Planning Contravention
Ashlea View, Tomkyns Lane

Report Author and contact details:

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

Policy context:

Financial summary:

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

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

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

SUMMARY

This report relates to an unauthorised metal gate and close boarded wooden fence within the Metropolitan Green Belt. The development does not benefit from planning permission. The development is inappropriate in the Green Belt and detrimentally effect on the openness, character and visual amenities of the Green Belt. There are no other material considerations that would clearly outweigh the harm resulting from these issues and thus justify the development on the basis of very special circumstances.

RECOMMENDATIONS

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

1. Remove the unauthorised metal gates and wooden close boarded fence;
2. Remove all resultant debris associated with the removal of the unauthorised gate and fencing from the premises;

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

REPORT DETAIL

1. **Site Description**

- 1.1 The site is occupied by residential mobile homes and is located on the eastern side of Tomkyns Lane and is within the Metropolitan Green Belt. The residential part of the site consists of an area of hardstanding with three caravans for residential occupation and storage for a fourth caravan. The access to the site is via an access driveway from Tomkyns Lane where the metal gates and close boarded fence are located.
- 1.2 The surrounding area is within the Green Belt and along Tomkyns Lane is mainly comprised of well separated detached residential properties to road frontages with many having commercial uses (agricultural/farming) on the remainder of the land in the plot. To the north and east of the site are mainly open fields although there are further frontage residential properties to Warley Lane to the north-east of the site.

2. **The Alleged Planning Contravention**

- 2.1 In August 2010 the Planning Enforcement service received a complaint that a metal gate and close boarding fence has been constructed without planning permission.
- 2.2 Under Part 2, Class A, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) fences and gates up to 2m high could be constructed as permitted development provided it was not positioned adjacent to a public highway. As the gate and fence fail to

comply with the permitted development regulations, the development requires consent.

2.3 The owner was advised that failure to obtain planning permission is a breach of planning law which could be liable to enforcement action.

2.4 Given that this has become protracted and that the development is inappropriate in the Green Belt and detrimentally effect on the openness, character and visual amenities of the Green Belt it has been deemed expedient that enforcement action be commenced.

3. **Relevant Planning History**

3.1 P0916.97 Change of use from agriculture to residential and retention of mobile home and a touring caravan – Refused – Allowed on appeal for temporary period of five years.

P0820.03 Change of use from agricultural to residential and retention of one mobile home and a touring caravan – Refused – Allowed on appeal for temporary period of three years.

P0185.08 Retention of one mobile home plus caravan – Refused

P1115.08 Retention of mobile home, static caravan and touring caravan – Granted for 2-year temporary consent.

P1705.10 Stationing of three caravans for residential occupation by Gypsy family and storage fourth caravan.

4. **Enforcement background**

4.1 Various enforcement investigations with regards to siting of mobile homes and residential caravans. No enforcement notices served.

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

5.1 The site is located within the Metropolitan Green Belt. National Planning Policy Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.2 Policy DC45 (Appropriate Development in the Green Belt) of the Local Development Framework and Policy CP14 (Green Belt) set out the criteria for development located within the Metropolitan Green Belt.

- 5.3 Policy CP17 (Design) of the Local Development Framework amongst other things, states that the appearance, safety and accessibility of Havering will be maintained and, where possible, enhanced by requiring new development to maintain or improve the character and appearance of the local area in its scale and design.
- 5.4 Policy DC61 (Design) of the Local Development Framework states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6. **Justification for Intended Action**

- 6.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the impact of this unauthorised development on the openness, character and visual amenities of the Green Belt.
- 6.2 It is an aim of Green Belt policy to keep land open in the context that it is free of development. It is considered that the height, position and materials appears out of keeping in this largely rural environment and detracts from the character and appearance of the surrounding area. The development has a material impact on the openness of the green belt and the close boarded nature of the fence restrict views onto the open green belt.
- 6.3 The need to secure the site and the fallback position to construct a 1m high fence under permitted development has been taken into account to determine whether to pursue this case however it is considered that substantial weight should be given to the harm to the Green Belt in this case. It is considered that the harm by reason of inappropriateness, and the impact on character and visual harm that arise from this development can not be outweighed by security or any other material considerations.
- 6.4 Given the harm to the Green Belt it is considered that the gates and fence should be removed in its entirety within 3 months from the effective date of the enforcement notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

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

Human Resources implications and risks:

No implications identified.

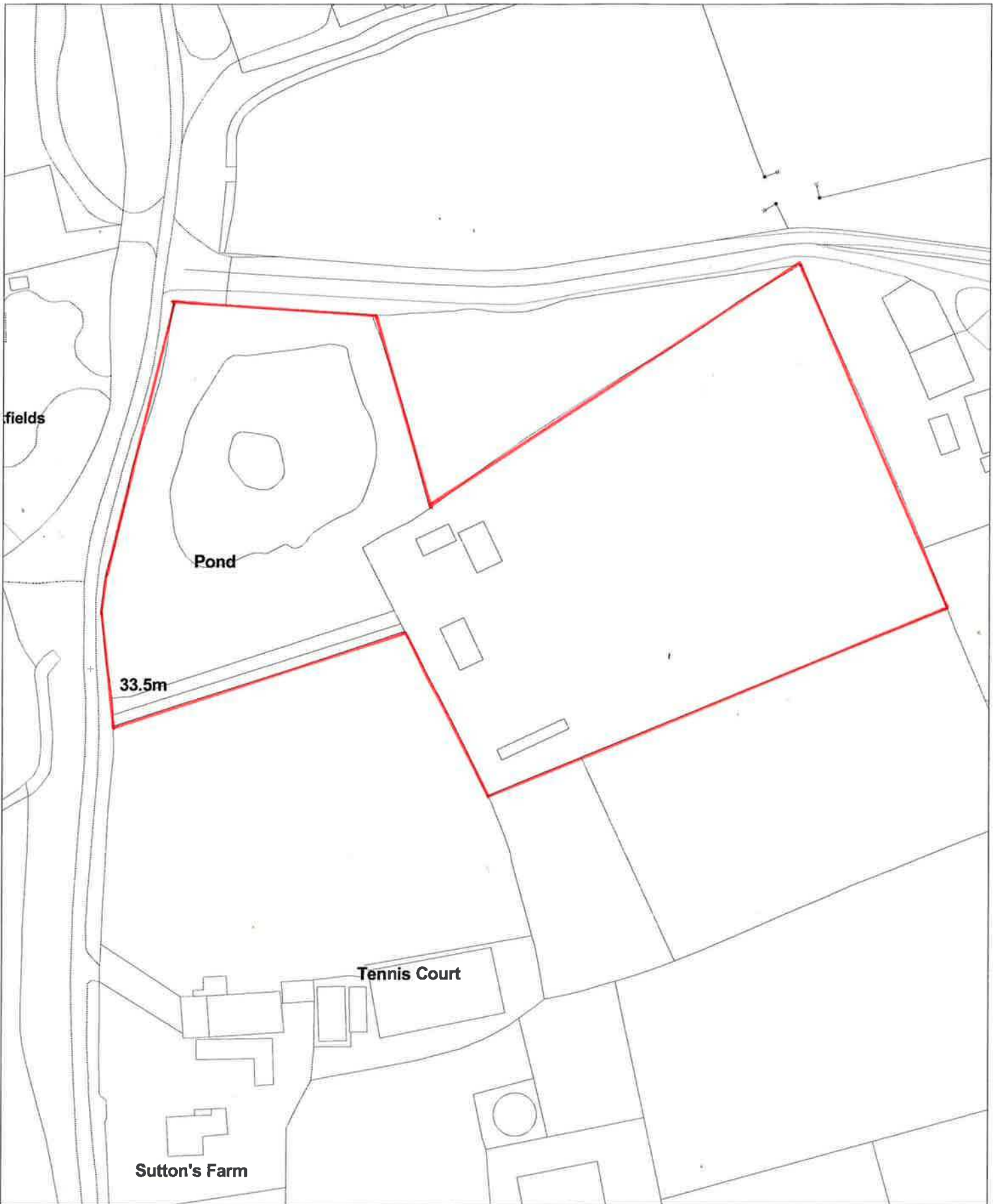
Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

None

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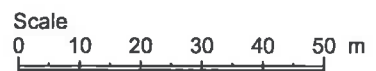


Ashlea View, Tomkyns Lane, Upminster

Map Reference: TQ5689NE



Scale @ A4 1:1250
Date: 09/07/2012



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

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REGULATORY SERVICES COMMITTEE

REPORT

19 July 2012

Subject Heading:

Planning Contravention
624 Upper Brentwood Road
Romford

Report Author and contact details:

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

Policy context:

Financial summary:

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

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

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

SUMMARY

This report concerns a retail shop in a parade at the junction of Upper Brentwood Road and Main Road. The shop has lawful Class A1 (retail) use. It is alleged that without planning permission a sales stall has been placed on the property forecourt. Although temporary and movable in appearance the stall requires planning permission given that it has never been moved and therefore must be regarded as permanent. It has recently been found that the shop has ceased trading and closed but the unauthorised stall remains in place. The permanent placing of a stall in this location detracts

from the visual amenity of the area and street scene. Given the lack of assistance and progress in this investigation it is requested that authority be given to issue and serve an Enforcement Notice to seek to remedy this breach.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, by 1 month:

- Remove the unauthorised structure from the shop forecourt.

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

REPORT DETAIL

1. Site Description

624 Upper Brentwood Road is a retail shop with residential accommodation above. The shop sits within a small retail parade along with a bank. The shop is on a busy road and adjacent to the traffic lights at the junction with Main Road.

2. The Alleged Planning Contravention

In October 2010 the Planning Enforcement service received a complaint that a temporary structure had been placed on the forecourt of the premises, the forecourt forms part of the planning unit. The structure is a fruit sales stall that was associated with the retail use of the shop. The agent acting for the shop leaseholder stated that the stall would be moved off the forecourt at the end of each working day but this has never been the case. Although temporary and movable in appearance the stall requires planning permission given that it has never been moved and therefore must be regarded as permanent. Despite negotiations with the agent it has not been possible to resolve this matter by way of a planning application seeking the retention of the stall. It has recently been found that the shop has ceased trading and closed but the unauthorised stall remains in place

3. Relevant Planning History

P0336.91 – Part change of use from A1 retail – Refused
P1758.06 – Change of use to A3 restaurant/café – Refused – Appeal dismissed
P1204.07 – Driveway - Refused

4. **Enforcement background**

2007 – Unauthorised ventilation ducting – Immune by age and case closed
2007 – Alleged change of use A1 to A3 – No change of use and case closed

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

Policy DC61 of the LDF applies. Policy DC61 deals with urban design and seeks to ensure that all development is compatible with its surrounding environment.

6. **Justification for Intended Action**

The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised development.

The main issue in this case is in regard to visual appearance and impact on the street scene. In this part of Upper Brentwood Road the parade is characterised by shops being set back from the pavement with quite an extensive forecourt. This provides a characteristic open aspect to the shops. The stall adversely impacts upon this open aspect and detracts from the visual appearance of the forecourt and the parade of shops. The permanent siting of the stall is considered to have an adverse impact on the character of the streetscene. It is felt that should a planning application be submitted permission would not be granted.

It is therefore recommended that an enforcement notice be served.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

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

Human Resources implications and risks:

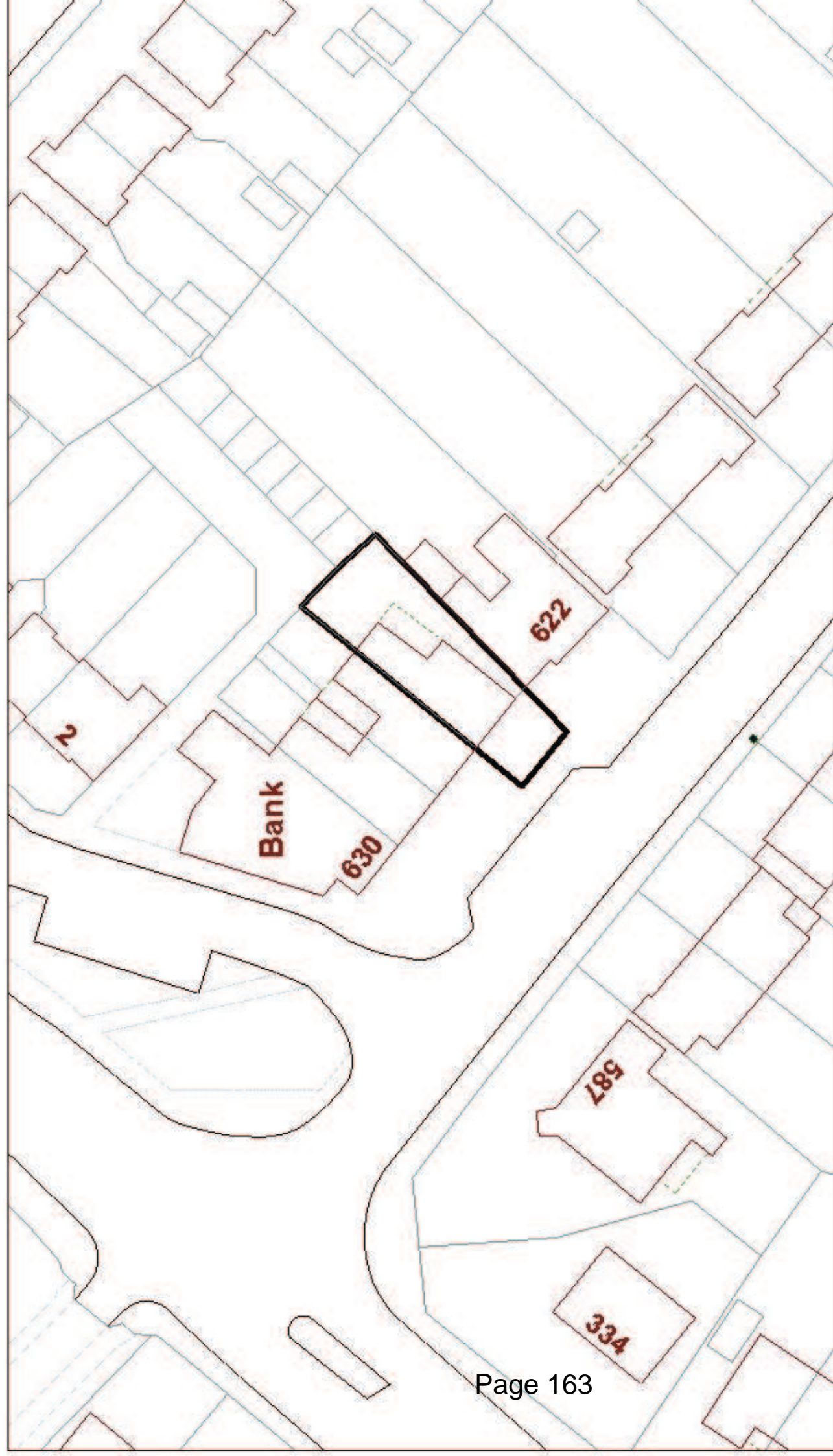
No implications identified.

Equalities implications and risks:

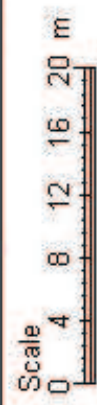
No implications identified.

BACKGROUND PAPERS

Site Plan



Scale @ A4
1:500



Map Reference: TQ5390SW
Date: 07/06/2012



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