



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 2 August 2012	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

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

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:
Richard Cursons (01708 432430)
E-mail: richard.cursons@havering.gov.uk**

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 14)

Application reports attached

5 P0558.12 - LAND WEST OF FAIRVIEW INDUSTRIAL ESTATE (Pages 15 - 44)

Report Attached

6 L0002.12 - BRETONS SOCIAL CLUB, THE MANOR HOUSE (Pages 45 - 50)

Report Attached

7 P0554.12 - FORMER COMMUNITY HALL, NELSON ROAD, RAINHAM (Pages 51 - 66)

Report Attached

8 P0539.12 - FORMER DUCKWOOD PUBLIC HOUSE, 59 WHITCHURCH ROAD, HAROLD HILL (Pages 67 - 82)

Report Attached

9 P0685.12 - FERNDALE, 1 PATERNOSTER ROW (Pages 83 - 92)

Report Attached

10 P0649.12 - LAND ADJ 151 HARROW CRESCENT, HAROLD HILL (Pages 93 - 106)

Report Attached

11 P0624.12 - 168/174 & 182/186 SOUTH STREET, ROMFORD (Pages 107 - 120)

Report Attached

12 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**

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Regulatory Services Committee

2 August 2012

Page No.	Application No.	Ward	Address
1-4	P0547.12	Elm Park	25 Station Parade Elm Park Hornchurch
5-12	P0598.12	Upminster	223-225 St Mary's Lane Upminster

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2nd August 2012

APPLICATION NO:	P0547.12	
WARD :	Elm Park	Date Received: 10th May 2012
		Expiry Date: 5th July 2012
ADDRESS:	25 Station Parade Elm Park	
PROPOSAL:	Change of Use to a nails/beauty salon	
DRAWING NO(S):	1:1250 Location Plan	
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 the ground floor of a 3-storey terrace building and while vacant at the time of the site visit, was previously in an A1 shop use. The upper floors are in residential use. The site is within the Elm Park District Centre.

The surrounding area is of similar commercial with residential above to Station Parade. The railway line is to the north of the shop unit with the Railway Station and bridge at a higher level.

The change in levels here provide a bridge over the railway line.

DESCRIPTION OF PROPOSAL

The proposal is for a change of use from A1 to a Nail Bar/Beauty Salon. It is proposed that there would be 1 employee and that the opening hours would be 9am - 7pm Monday to Saturday and 10am - 4pm on Sundays and Bank Holidays.

RELEVANT HISTORY

None. Relevant is the scheme at 27 Station Parade approved in 2011:

P0543.11 - Change of use from retail (A1) to a beauty salon (sui generis)
Apprv with cons 27-05-2011

CONSULTATIONS/REPRESENTATIONS

30 adjoining and nearby occupiers were notified of the proposal. 10 letters were received objecting to the proposal on the following grounds:

- too many nail bars
- downgrading of the town centre as a shopping area by allowing non-conventional uses instead of conventional uses such as bakers, fishmongers etc.
- would result in competition with existing beauty salons including with one two shops down
- possible illegal use of Chinese powder to stick false nails on

The level of competition in a shopping centre is a matter for the market to decide and the applicant would have to decide whether setting up a nail bar here would be something that the market can bear. The possibility of illegal activities in connection with any use is a matter for the Police and is not a matter which can be considered as a planning issue under the Planning Acts.

RELEVANT POLICIES

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None

LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC61 - Urban Design

OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector

LONDON PLAN - 6.13 - Parking

MAYORAL CIL IMPLICATIONS

The proposal is for a change of use, as such no building works would be undertaken and the CIL liability would be zero.

STAFF COMMENTS

The main issues are the principle of development, its impact on residential amenity and parking/highways.

BACKGROUND

This application has been referred to Committee as it requires consideration to whether the proposal would be acceptable as an exception to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD.

PRINCIPLE OF DEVELOPMENT

Policy DC16 of the LDF Core Strategy and Development Control Policies DPD indicates that in the district centres, including Elm Park, planning permission will be granted for A1 uses at ground floor level and service uses A2, A3, A4 and A5 will also be allowed in the retail core at ground floor level where criteria apply. Non-retail/service uses would be allowed in fringe areas providing certain criteria are met.

The proposal is for a nail bar to be provided in the retail core area. The proposed use would not provide any specifically retail element and would not fall within any of the A-Use Classes. It would be in a class of its own or "Sui Generis".

It is considered however, that the proposed use would provide a service appropriate to a shopping area and could therefore be appropriate development within a town centre. The purpose of the retail core area is to protect primary shopping frontages. Although in this instance the proposed use would not be retail it would provide a service, create a footfall and generally contribute to the vitality of the centre. As such, nail bars are usually found in town centre locations.

No details have been submitted in relation to the layout of the unit nonetheless nail bars normally consist of rows of nail desks and beauty salons may offer similar type treatment. While this could be described loosely as an active frontage and the nail bar/beauty salon would be open during shopping hours, there is already a beauty salon in this parade such that even if it were considered an appropriate service use, it would result in 2 non-retail uses in this group of 3 units (25 - 27 Station Parade) which would exceed 33 per cent of the frontage, contrary to Policy

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DC16.

It is important to consider the above in conjunction with the advice contained in the NPPF. The NPPF (March 2012) indicates that retail vitality should be protected such that Local Plans should "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations"

A nail bar is a use which is more suited to a town centre location and it is acknowledged that the unit at 25 Station Parade is currently vacant. Although no marketing information has been submitted with the application at the site visit it was noted that a large proportion/length of frontage of the units in this part of the town centre were vacant. Staff therefore consider that the proposal would not undermine retail vitality and viability within the retail core of Elm Park Minor District Centre. Members may place different weight on this issue and consider that the proposal would be likely to cause harm to the retail element of Elm Park, contrary to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD.

DESIGN/IMPACT ON STREET/GARDEN SCENE

This proposal is for a change of use only such that no issues arise.

IMPACT ON AMENITY

The proposal is for use which would provide a service within an existing established shopping area. The proposed opening hours are not considered to be unacceptable such that although there are residential units above the shops, the level of noise and activity created by the proposed nail bar/beauty salon use would not be likely to be greater than for other commercial uses.

HIGHWAY/PARKING

While there is a requirement for a unit of this size to provide parking, Annex 5 of the LDF indicates that in town centre locations where public parking is provided, this would not have to be provided separately. There is public parking on street close to the application site which would be acceptable.

There are no highways objections to the proposed change of use.

KEY ISSUES/CONCLUSIONS

The proposal is for a change of use to a non-A Class Use within the Core Retail area of Elm Park Minor District Centre. It is recognised that nail bars and beauty salons, while not falling within an A-Class Use, do provide a service which is compatible with a town centre location. Staff therefore consider that the proposal would be acceptable as an exception to retail policy DC16.

There are no other issues raised by the proposal. As a matter of judgement, Staff consider that the proposal can be considered as an exception to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD as the proposal would not, in Staff's view, have an adverse impact on retail vitality and viability in the town centre.

RECOMMENDATION

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

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1. SC4 (Time limit) 3yrs
 2. SC27 (Hours of use) ENTER DETAILS
The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 19:30 on Mondays to Saturdays and between the hours of 10:00 and 16:30 on Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.
 3. SC32 (Accordance with plans)
 4. SC58 (Storage of refuse)
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INFORMATIVES

1 Reason for Approval

Reason for Approval

The proposed development would not be in accordance with the aims, objectives and provisions of Policy DC16 of the LDF Core Strategy and Development Control Policies Development Plan Document, nonetheless it is considered to be an acceptable exception to Policy as it would not result in any adverse impact on retail viability or vitality.

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:	P0598.12	
WARD :	Upminster	Date Received: 9th May 2012 Expiry Date: 8th August 2012
ADDRESS:	223-225 St Marys Lane Upminster	
PROPOSAL:	Erection of a 40 bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured seating area.- Outline additional Information received 16.07.2012	
DRAWING NO(S):	995/001 Rev F 2017/E/2 Rev A; 1:200 Topographical survey; 1:1250 Location Plan; 995/002; -003;-004; -005; -006; -007; -008; -009; -010;	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report.	

CALL-IN

The application has been called in by Councillor Van Den Hende who supports the scheme on the grounds that the proposal would be of size and of a traditional design which would be an asset to the streetscene in St Mary's Lane.

SITE DESCRIPTION

The site is that of the former Upminster Police Station and its parking area located to the northern side of St Mary's Lane. The 2-storey building has recently been demolished to make way for development. At the time of the site visit there were trees to the western side of the application site. There is also a public seating area to the western side of the site fronting onto St Mary's Lane.

The existing vehicular access to the site is to St Lawrence Road and there is currently no direct access onto St Mary's Lane although members of the public on foot would previously have approached the Police Station from St Mary's Lane. The site area is 0.192 hectares.

The surrounding area is mixed with residential properties to the north and east (mainly two-storey houses) with commercial properties to the west and south on the opposite side of St Mary's Lane which are within Upminster Major District Centre. The commercial property immediately to the west of the application site is on two-storeys. Further to the east on the opposite side of the St Mary's Lane is the entrance to Clockhouse Gardens.

DESCRIPTION OF PROPOSAL

The proposal is in outline only with Access, Appearance, Layout and Scale to be determined at this stage with Landscaping reserved for later consideration. It is for the erection of a 40-bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured public seating area.

The building would be located 1.33m from the shared boundary with No. 227 St Mary's Lane to its east, 7.8m Min/9.95m max from the boundary with No.s 54-60 St Lawrence Road to its north and approximately 2m from the boundary with No.s 209-213 St Mary's Lane (west). The building

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would be set back between 3m and 6m from the rear edge of the highway to St Mary's Lane although the proposed 8.5m wide balcony would be less than 1m at its closest point.

The proposed building would be 49m wide with a maximum depth of 17m with a dummy pitched roof with a maximum ridge height of 12.1m. It would comprise on 4 levels and a basement level, 40 bedrooms (all with en suite), kitchen, laundry, staff kitchen and lounge facilities, storage, a "Celebrations" room, hairdressers/therapy room, managers and admin rooms, dining rooms, residents lounges, assisted bathrooms, cinema, staff training room and roof garden. There would be a ground level amenity area to the eastern side of the application site with a path way circumnavigating the building. As Landscaping is a reserved matter no details of planting are indicated for either the amenity area or the roof garden, nonetheless the plans indicate that around 14 trees would be removed.

11 parking spaces would be provided along the shared boundary with No.66 St Lawrence Road/No. 227 St Mary's Lane, in a similar position to those for the now demolished Police Station. A turning head would be provided adjacent to the entrance to the care home building which faces St Lawrence Road where the existing vehicular access would also be retained. A pedestrian access would be provided onto St Mary's Lane at the far eastern end of the application site. A section of the site fronting onto St Mary's Lane which is currently in use as public highway with seating would be stopped up, nonetheless a small seating area would be provided on an area which would remain as public highway.

The building is proposed to be in a mock-Tudor style with brick at ground floor with render and timber detailing and some tile hanging on the floors above.

The following documentation has been submitted in support of the application:

Phase 1 Desk Top Contamination Report
Flood Risk Assessment
Ecoogy Appraisal & Protected Species Report
Arboricultural Report
Transport Assessment
Travel Plan
Waste Management/Minimisation Statement
Community Involvement Statement
Thermal Model Report
BREAAAM Pre-Assessment
Mechanical and Electrical Report

RELEVANT HISTORY

D0030.12 - Certificate of lawfulness for demolition of former police station building,
outbuildings and one metal container
PP not required 20-03-2012

CONSULTATIONS/REPRESENTATIONS

139 adjoining and nearby occupiers were notified of the planning application. A site notice was displayed and a press notice was posted in a local paper. 12 letters of support have been received, together with three letters objecting to the scheme on the following grounds:

- height resulting in significant overlooking
- possible noisy facilities close to existing residential properties
- out of keeping with the visual appearance and character of the area

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- this is an area of residential properties and the proposal out of proportion with existing development both in terms of height and overall size
- there would be noise and other disturbances during the 2-year construction period
- construction traffic would need to be via small residential streets resulting in an increase in traffic and a road safety hazard for residents
- increase in traffic volumes
- possible on-street parking
- loss of trees resulting in loss of endangered wildlife and increase in CO2
- lighting columns with floodlights would have a visual impact in the day and light would add to existing light pollution at night; nuisance would be caused if they are activated by motion sensors
- overshadow adjoining garden
- loss of natural daylight
- possible damage to existing properties
- possible affect on house prices
- the design of the building has no architectural merit and would be incongruous with the surrounding area
- overlarge development for the plot giving very little surrounding grounds; of which most would be for parking
- ground level external recreation areas would be very limited although a roof garden is shown
- construction hours must be strictly adhered to
- the proposal is a profit-making commercial enterprise, rather than a housing scheme; lower-density housing would be much more appropriate here

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

The London Fire Brigade have written in respect of water supply to indicate that 1 private fire hydrant should be installed.

The Metropolitan Police's Crime Prevention Design Advisor has written to advise that crime prevention measures have been considered in the design of the proposed development and he asks that a suitably-worded Secured by Design Condition and informative are attached to any grant of planning permission, together with conditions requesting further details of boundary treatment, cycle storage, external lighting and CCTV.

RELEVANT POLICIES

LDF

- DC3 - Housing Design and Layout
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing
- DC5 - Specialist Accommodation
- DC53 - Contaminated Land
- DC55 - Noise
- DC56 - Light
- DC61 - Urban Design
- DC62 - Access
- DC63 - Delivering Safer Places
- DC72 - Planning Obligations
- SPD1 - Designing Safer Places SPD

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LDF

SPD9 - Residential Design SPD

OTHER

LONDON PLAN - 3.5 - Quality and design of housing developments

LONDON PLAN - 3.8 - Housing choice

LONDON PLAN - 5.7 - Renewable energy

LONDON PLAN - 5.8 - Innovative energy technologies

LONDON PLAN - 6.10 - Walking

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 6.5 - Funding Crossrail and other strategically important transport

LONDON PLAN - 6.9 - Cycling

LONDON PLAN - 7.3 - Designing out crime

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.5 - Public realm

LONDON PLAN - 7.6 - Architecture

LONDON PLAN - 8.3 - Community Infrastructure Levy

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

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 2,202.6m² x £20 per sq.m which amounts to £44,052.

STAFF COMMENTS

The scheme is in outline with Landscaping reserved until later consideration. For consideration now are Access, Appearance, Layout and Scale.

The main issues are the principle of the development, the impact of the matters to be considered now on visual amenity in the streetscene, their impact on residential amenity and their impact on highways/parking/servicing. It should be noted that the area available for landscaping is directly affected by the outline proposal.

PRINCIPLE OF DEVELOPMENT

The proposal is for the redevelopment of the former Upminster Police Station to a 40-bedroom residential care home with ancillary facilities and parking. Policy CP2 of the LDF indicates that sustainable, attractive, mixed and balanced communities will be created by, in part, "ensuring that the needs of those households with special needs, including the elderly, are met". Policy DC5 of the LDF specifically relates to specialist accommodation and indicates that health and non-health social service residential projects are acceptable, subject to meeting specific criteria as follows:

- the proposal is located within a residential area unless the scale and nature of the facility is such that it would be inappropriate in a residential setting
- the site has reasonable pedestrian and cyclist access to shops and services
- the site is well served by public transport
- where the proposal involves the conversion of an existing residential property that policy DC4 is satisfied
- with regard to policy DC61, the proposal is of a high standard of urban design and does not result in overshadowing, loss of sunlight, unreasonable noise and disturbance, overlooking or loss

of privacy to existing and new properties and responds to distinctive local building forms and

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patterns of development and respects the scale, massing and height of adjoining buildings
· residents/visitors are able to park without detriment to highway safety taking account of the availability of on and off street parking with regard to the standards set out in policy DC33 and DC35.

The criteria are addressed in more detail below, nonetheless the proposal for a care home is considered to be acceptable in principle in accordance with Policy DC5.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Staff consider that the predominate building scale on the northern side of St Mary's Lane is two storeys in height. Many of the properties incorporate dormer windows suggesting some use of the roofspace but this has only a limited impact on the overall height of the buildings, which rise to a typical full 3-storey height only in the immediate vicinity of the junction between Station Road and Corbets Tey Road.

Despite the variation in the shop fronts on premises within the Town Centre itself, the north side of St Mary's Lane also has a degree of consistency and simplicity in its built form that is lacking on the south side. On the south side buildings vary in terms of their design and form and the heights vary from single storey to 4 storeys. There is a clear distinction where the character changes from commercial to more residential and this can be seen from Tudor Gardens and the Waitrose building onwards, where building heights decrease to 2-storeys. There is therefore, Staff's opinion, a distinct difference in character between the north and south side of St Mary's Lane.

The proposal is for a single building of 49m in width fronting onto the northern side of St Mary's Lane and set back from it by between 3m and 6m with a balcony which would be set back by less than 1m. The building would appear three-storey from St Mary's Lane although accommodation and a roof garden would be provided in the roof space such that to the rear, gables would have 4 storeys.

The building would have a break at the mid-point where a 3m wide section would be set back and is also defined by a change to the ridge height from 12.1m to 11.1m. For comparison purposes the house directly adjacent to the site in St Mary's Lane has a ridge height of 8.5m above ground level and the flat roof commercial building (in the District Centre) has a height of 8.7m above ground level.

The 11.1m high section would also have a significantly overhanging roof such that the nearest point would be less than 1m from the shared side boundary. The dummy pitch roof would rise 5.3m above its eaves level and have a flat section (with the roof level accommodation) which is 5.7m deep.

Given the siting of the building close to the plot boundaries, and the design approach adopted, Staff consider that the proposed building would be of a significantly larger scale and bulk than existing development. Staff consider that the development would appear cramped and visually intrusive, such that it would be out of character in the area and have an adverse impact upon visual amenity in the streetscene.

In relation to the garden scene, the proposal would clearly cover more of the site and be higher and bulkier than the former police station which appeared as a detached 2-storey house. The proposed building would be located between 8m and 10m from the back fences/shared boundaries of the adjoining 2-storey residential properties which front onto St Lawrence Road.

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Staff consider that in particular the rear gables with their heights of 9.8m /11.5m and overall ridge height of 12.1m and bulk of the building that it would appear visually intrusive and overbearing in the rear garden environment.

IMPACT ON AMENITY

The nearest residential properties are No. 227 St Mary's Lane to the east of the application site and No.s 54 -60 and No.66 (evens) St Lawrence Road. No's 60 and 66 are to either side of the existing vehicular access to the application site.

The proposed development would not be deeper than the adjoining residential property at No. 227 St Mary's Lane which has a rear section which is full two-storey with a gable to the rear. There are a number of windows to the side elevation of this adjoining property but given the location of the entrance door to the side of the property, these appear to be secondary windows with the main windows to the front and rear of the property. It is considered that, due to the additional height of the building compared to that of the Police Station that there would be some additional loss of light to the garden area of this property. Nonetheless, as a north facing garden and given that the Police Station was located to the eastern side of the application site, Staff consider that the proposal would not result in so significant a loss that significant harm would be caused to this occupiers amenity. No windows would be proposed in the elevation facing No. 227 St Mary;'s Lane and it is not therefore considered there would be any loss of privacy or overlooking arising from the proposed development in relation to this neighbouring occupier.

In relation to the occupiers to the properties fronting onto St Lawrence Road, the proposed development would have windows at 3rd floor level looking out towards the rear of these properties. With garden depths of 15m to the St Lawrence properties and with the proposed care home building at least 8m from the rear boundaries, the total minimum separation distance would be 23m. Staff consider that while there would be some perceived overlooking, the proposed development would not result in actual overlooking or any significant loss of privacy. Members may place different weight on this issue, nonetheless Staff consider that no significant harm would arise.

Shadow projections for May to September indicate that there would be no overshadowing of the existing gardens. During the winter months the building is likely to cast longer shadows nonetheless, based on the details submitted, Staff consider that the proposed building is unlikely to cause shadowing of the rear elevations of these residential properties to the degree that it would cause significant harm to residential amenity.

The proposed car parking area would be provided in the same location as for the Police Station and with 11 spaces is not considered likely to result in any increase in traffic noise or activity over and above that of the Police Station.

Any noise arising from plant or machinery or extract ventilation could be controlled through the use of suitable conditions. Nonetheless Staff consider that general noise and activity associated with the care home is unlikely to result in harm to existing residential amenity.

The proposed design would leave a landscaping area of between 3m and 6m in depth to the St Mary's Road Frontage and a depth of 8 - 10m to the rear in a north-facing garden. The shadowing details submitted show that the rear area which would be the most private would be in shadow for most of the year and as such offers a low level of amenity. The area to the front of the building would be semi-private and offers limited scope for planting, in part due to the footpath circumventing the building. The ground level amenity area is supplemented by a

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proposed roof garden which would be accessible by lift and stairs and other amenity areas are provide inside the building, such that Staff consider the level of amenity provided to future occupiers of the proposed care home would be acceptable.

HIGHWAY/PARKING

The proposal would provide 11 parking spaces with a turning head provided adjoining the entrance to the care home (located to the rear of the building relative to St Mary's Lane) and using the existing vehicular access from St Lawrence Road. A new pedestrian access gate would be provided to the eastern corner of the application site to St Mary's Lane.

Annex 5 of the LDF indicates that 1 space should be provided for each 4 resident bedspace in nursing homes. With 40 bedrooms the proposed care home would be expected to provide 10 parking spaces. The proposal therefore meet this requirement.

The Waste Management/Minimisation Statement indicates that refuse and recycling facilities would be provided and a suitable condition could be attached to any grant of planning permission.

A Travel Plan has been submitted with a commitment to provide a Travel Plan Co-ordinator to encourage the use of other non-car forms of transport including walking, cycling and public transport use as well as car sharing with a view to monitoring and reviewing the provision and use. As part of this it is proposed to provide a high quality secure, sheltered cycle store for 8 cycles. There would be 13 staff at peak (day) time with a further 8 at night. This level of cycle provision is considered to be acceptable as it is expected that 1 space would be provided for each 3 staff (Annex 6 of the LDF). Staff cycle storage can be provided through the attachment of a suitable condition if planning permission is granted.

Highways indicate that they have no objections to the proposal in terms of parking provision or technical highways or servicing grounds. They indicate that part of the highway would need to be stopped up and welcome the provision of a replacement seating area.

TREES

Trees would be removed from the application site. Since landscaping is not a matter to be determined at this stage, details of their replacement together with other planting have not been submitted. However, as a pathway is shown all around the building it is unlikely that there would be any direct replacement of the removed trees. They are however not subject to a Preservation Order and their loss is therefore acceptable.

SUSTAINABILITY/ENERGY EFFICIENCY

Details submitted with the application indicate that it would be able to meet the "Excellent" BREEAM Rating which would exceed that required by Policy DC49 of the LDF.

SECURED BY DESIGN

The Secured by Design Officer has requested that conditions are attached to any grant of planning permission but that the outline scheme is acceptable in relation to crime prevention aspects provided.

KEY ISSUES/CONCLUSIONS

The proposal for a care home is considered to be acceptable in principle. However, Staff consider that the proposed scale and bulk of the building which would be located relatively

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closely to its boundaries would result in it being overly dominant and overbearing such that it would adversely affect visual amenity in the streetscene and rear garden environments.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposed care home would, due to its height, bulk, length of continuous frontage and closeness to its site boundaries result in a cramped form of development which would have an adverse impact on visual amenity in the streetscene and be overly-dominant in the rear garden environment contrary to Policies DC5 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and SPD on Residential Design.



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REPORT

2 August 2012

Subject Heading:

P0558.12 - The construction of a Sustainable Energy Facility comprising the erection and operation of a gasification/power generation plant, associated buildings, plant and infrastructure.

Land west of Fairview Industrial Park, Rainham.

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the construction of a sustainable energy facility on land to the west of the Fairview Industrial Estate. The facility would employ gasification technology to generate renewable energy from solid recovered fuel (SRF) to be supplied from the Frog Island (Havering) and Jenkins Lane (Barking and Dagenham) waste processing facilities. The proposal would have a capacity of 130,000 tonnes per annum (tpa) and would generate approximately 25 megawatts of electricity along with heat that could be supplied to neighbouring properties.

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

RECOMMENDATIONS

(A)

That subject to:

- The expiration of the consultation period on 3rd August 2012 and there being no new consultation responses received raising material considerations other than those already considered by Committee; and
- There being no contrary direction from the Mayor of London under the Mayoral referral procedure

It is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the completion of a legal agreement and planning conditions. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution.

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 940m² and amounts to £18,800.

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 safeguarding of an area along the riverside part of the site for use as a future riverside walk.
- A contribution of £150,000 to be used, either in part or in full, towards any of the following:
 - Thames side path to the south of the application site
 - Public access improvements between Rainham and the River Thames
 - Street lighting along Marsh Way
 - A public bus bridge over Creek Way.
- A contribution of £1,500 to fund an air quality monitoring program for a period of five years.
- A clause that the developer employs reasonable endeavours to ensure that the recommendations of the Local Employment and Training Scheme are taken into account by the Construction and Operations Contractors during the respective phases of the proposed development and if requested by the Council, to provide evidence of the measures taken to ensure the compliance of these Contractors with the Scheme
- A clause providing for the eventuality that, should the neighbouring Flogas site no longer be needed as a COMAH site, that the developer employs reasonable endeavours to provide a conveyor belt between the proposed facility and the neighbouring waste recycling facility to the east.
- A clause requiring the developer to undertake sufficient work within the site to enable the connection of the proposed facility to a heat network in the area, should one be established in future. The proposal should be connected to the heat network within two years of the network being established.
- Provision of a Travel Plan for employees of the proposed development to the satisfaction of the Council.
- A clause that the operator only uses solid recovered fuel, and only that produced at the Frog Island and Jenkins Lane facilities, except under given circumstances.
- 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 in association with the preparation of the legal agreement 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, subject to there being no new material considerations, the Head of Development and Building Control 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. Drainage – The development shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

4. Flood Defences - Prior to the development hereby approved being brought into use, a survey of the existing river wall shall be submitted to and approved in writing by the Local Planning Authority to establish the following information:

- The structural integrity and stability of the wall, including, if needed, intrusive investigation and or testing of the wall and any buried element.
- Supporting structural calculations.
- A scheme of works, including implementation dates, needed to raise the defences in the future by 600mm above the current flood defence level if needed to address future climate change.

The approved scheme shall thereafter be implemented by the developer.

Reason:

To establish the condition of the existing river wall to both inform the assessment of needed remedial and/or replacement works and the detailed design for any construction close to the flood defence. In addition to preventing the increased risk of flooding to third parties, to the site itself and to prevent any detrimental effect on water quality or biodiversity.

5. Flood Defences - Prior to the development being commenced, a proposal of the works necessary to bring the defences up to the life expectancy of the development (60 years for commercial) shall be submitted to and approved in writing by, the Local Planning Authority. The recommendations of the proposal shall be completed before the development is operational.

Reason:

To ensure the safety of the facility and users of the site for the lifetime of the development.

6. Flood Defences – The development shall not be commenced until full details, including calculations and drawings, of all development to take place within 16 metres of the River Thames have been submitted to the Local Authority for its written approval.

Reason:

To maintain the integrity of the flood defences of the River Thames.

7. Ecology - No development shall take place until a scheme for the provision and management of a 16 metre wide buffer zone alongside the River Thames and a 5 metre wide buffer zone around the pond have been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The buffer zone scheme shall be free from built development including lighting and formal landscaping. The schemes shall include:

- Plans showing the extent and layout of the buffer zone.

- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- Details of any proposed fencing and lighting.

Reason:

To ensure that the development is compliant with Paragraph 109 of the NPPF and Article 10 of the Habitats Directive. Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

8. Japanese Knotweed - Prior to commencement of development a detailed method statement for removing or the long-term management of Japanese Knotweed (*Fallopia japonica*) and Giant Hogweed (*Heracleum Mantegazzianum*) on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Giant Hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason:

To prevent the spread of Japanese knotweed and giant hogweed which are invasive species. Without this condition avoidable damage could be caused to the nature conservation value of the site contrary to National Planning Policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

9. Noise - Before any development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to the development being brought into operation / use and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Core Strategy and Development Control Policies Development Plan Document.

10. Contaminated Land - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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, along with a Phase II Report);

- a) 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.

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

11. Construction Method Statement - No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
b) storage of plant and materials;
c) dust management controls;

- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
- j) details relating to the cumulative impact of construction traffic, including site access arrangements, booking systems, construction phasing, vehicular routes, and the scope for load consolidation and/or modal shift to reduce road-based traffic movements.

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

Reason:

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

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

Reason:

In the interests of highway safety and amenity.

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

Reason:

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

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

Reason:

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

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

Reason:

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

16. 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 scheme being brought into use 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.

17. Archaeology - No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved scheme.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

18. Archaeology - The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest are likely to survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in NPPF Chapter 12.

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

Reason:

To ensure protection of controlled waters by ensuring contaminants present in the ground are not mobilised by the infiltration of surface water.

20. Groundwater - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect controlled waters by ensuring piling is not carried out in contaminated land which would create a pathway for contaminants to groundwater below the site.

21. Cycle Storage - No development shall take place until details of the proposed cycle storage arrangements 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 for the life of the development.

Reason: In the interests of encouraging sustainable transportation measures and in accordance with Policy DC35 of the Development Control Policies Development Plan Document.

22. Dust – No development shall take place until a scheme for the control of dust drift has been submitted to and approved in writing by the Local Planning Authority. The operation of the proposed facility shall be undertaken in accordance with the approved details.

Reason:

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

23. Ecology - The proposed development shall be undertaken in accordance with the ecological mitigation measures referred to in Section 13.11 of the submitted Environmental Statement.

Reason:

To protect the Inner Thames Marshes and Ingrebourne Marshes SSSIs.

24. Waste Types – At no time shall putrescible waste be imported onto the development site.

Reason:

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

25. Storage - There shall be no storage of waste material, including Solid Recovered Fuel, or containers on the development site in the open air.

Reason:

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

26. Flood Risk – The proposed development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) CRM.007.002 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed 5l/s/ha for the whole site if discharged to Havering Main Sewer. FRA ref 6.6 - 6.9

2. Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year + climate change standard.

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

Reason:-

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

28. 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 the interests of visual amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

29. The proposed vehicle parking area shall be provided prior to the proposed development being brought into use and shall be retained for the life of the development.

Reason:

In the interests of highway safety and amenity and in accordance with the Development Control Policies Development Plan Document Policy DC32.

Or (B)

In the event that the Section 106 agreement is not signed and completed by the expiry of this application's determination date on 30th August 2012, that planning permission be refused on the grounds that the proposal does not make adequate arrangements:

- (a) for the provision of environmental and connectivity improvements in the local area;
- (b) a Travel Plan;
- (c) an air quality monitoring scheme to measure the impact of the proposal;
- (d) the potential provision of a conveyor belt to provide a sustainable means of transportation between the proposed facility and its waste source;
- (e) for providing training/employment opportunities for local people.

Informatives

Reason for Approval

The proposal would be located on land, which already benefits from planning consent for a renewable energy facility that is safeguarded under Schedule 1 of the Joint Waste Development Plan Document for East London. The proposed development would employ a different type of gasification technology, which the applicants consider to be more commercially viable and which would be more efficient in terms of waste to energy output. The proposal would have a higher waste capacity than the approved scheme and therefore provides additional waste capacity over and above what has been safeguarded. The additional waste capacity is not required to meet the waste capacity gap for recovery identified in the Joint Waste DPD and the proposal is therefore considered to be contrary to Policy W2. However, the unneeded additional waste capacity is considered to be relatively modest and the proposed development would provide significant environmental benefits, which it is considered outweigh the proposal being contrary to the Development Plan. The proposal would divert waste away from landfill and would generate a substantial amount of renewable energy. The proposal would generate significantly more renewable energy than the previously approved, and safeguarded, scheme with only a modest increase of waste capacity over and above the approved scheme. It is therefore considered that there are other material considerations that overcome the Departure from the Development Plan.

In terms of the proposal's visual, highway, amenity, and environmental impacts, it is considered that there would not be any significant adverse impacts subject to the use of conditions and the completion of a Section 106 Agreement.

It is considered that the proposal satisfies the relevant criteria of Policies CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF Development Control Policies Development Plan Document. The proposal is considered to be acceptable having had regard to the Development Plan and all other material considerations.

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.

Archaeology

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

Japanese Knotweed and Giant Hogweed

The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) should they cause a Schedule 9 plant species to grow in the wild. Japanese Knotweed and Giant Hogweed are both listed on Schedule 9 of the Act.

Use of herbicides

Our prior written consent is required for the use of herbicides on or near a watercourse. This is to ensure that the herbicides will not have a detrimental affect on the riverine habitat. A copy of the application form can be found on the following link: <http://www.environmentagency.gov.uk/homeandleisure/wildlife/31350.aspx>

Flood Defence Consent

Our Prior Written consent is required for any works in, over or within 16 metres of the River Thames under the Thames Byelaws. If the applicant wishes to apply for Flood Defence Consent they should email DCLondon@Environmentagency.gov.uk.

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.

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.

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 is an irregular shaped area of land located to the west of the Fairview Industrial Estate on land that has hitherto been in use by the Ford motor company for the storage of vehicles. The site area, including the access route, is 3.5 hectares in area. The site is accessed from Frog Lane, which is a private road running south from Marsh Way. Frog Lane runs in a north-south direction with the Fairview Industrial Estate and Ford land located on either side of it. The operational area would be located alongside the River Thames.
- 1.2 The site's eastern boundary lies adjacent to the Fairview Industrial Estate; the southern boundary runs alongside the River Thames, which is designated in the LDF as a Metropolitan level Site of Nature Conservation Importance; the western boundary runs alongside land forming part of the Ford motor company estate; whilst the northern boundaries abut Ford land and the public highway.
- 1.3 The site is located on land designated as a Strategic Industrial Location in the LDF, and the site is listed in Schedule 1 of the Waste DPD. The site is located within Flood Zone 1, as defined by Havering's Strategic Flood Risk Assessment. The Inner Thames Marshes and Ingrebourne Marshes Sites of Special Scientific Interest (SSSI) are located to the east and south east.

2. Description of Proposal

- 2.1 This planning application proposes the construction of a sustainable energy facility, which would generate renewable energy through the use of gasification. The gasification process involves the heating of waste or other material, which releases fuel gas, such as methane, which can then be burnt to generate electricity. The proposed fuel in this case would be solid recovered fuel (SRF), produced at the neighbouring Frog Island waste processing facility, along with another facility at Jenkins Lane, Barking and Dagenham. The SRF in this case would comprise the fractions of Municipal Solid Waste that remain after recyclates, garden and food waste have been recovered from the waste generated.
- 2.2 The proposed facility would receive up to 130,000 tpa of SRF and would have an output of approximately 25MW, around 21.4MW of which would be available for export to the National Grid. It is anticipated that the proposal would produce enough electricity to power over 50,000 homes. The gasification process would produce residues consisting of a mixture of bottom ash (inert) and fly ash (hazardous). Both of these resultant materials are capable of being recycled, they can be used in the manufacture of concrete blocks for instance although treatment will be required either on-site or off-site in the case of the hazardous material.
- 2.3 Planning permission has already been granted for a gasification facility at the site (planning permission P0650.11, granted 14th November 2011). However, the applicants have decided to seek consent for a modified proposal, which they consider would involve a more efficient and commercially viable process. As a result, the proposal under consideration would have a very different appearance to the previously approved scheme. The proposal under consideration would have a more vertically orientated design than the previous scheme, being significantly taller. The proposal would process around 32,000 tpa more material than the previously approved scheme, but produce around 25% more energy per tonne of waste.
- 2.4 The proposed development will comprise buildings, plant, and hardstanding areas for vehicle parking, manoeuvring, and access. The operational area of the site is located in a rectangular area alongside the River Thames. The proposed structures would include a fuel reception and storage building, gasifier building, boiler hall, turbine hall, administration/visitor/workshop building, hot gas filters building, and a chimney, along with silos and tanks. The proposal would also include fencing, external lighting, the installation of weighbridges, and a riverside pathway. The proposed chimney would be the tallest structure with a height of 80m above ground level, however, a number of the other structures would also be relatively tall, generally being between 19m and 48m in height above ground level.
- 2.5 The main cluster of plant and buildings at the centre of the operational area, would have an overall footprint of around 4,000sqm. This cluster of plant and buildings include the turbine house, gas boiler, hot gas filters, and

gasifier hall at the southern end of the site, which would form the main 'frontage' of the development as viewed from the River Thames. Taken together, these buildings would have a width of approximately 80m and a depth of 24m. The air cooled condensers, having a footprint of around 650sqm would run parallel with the site's western boundary, whilst the parking area, site office and visitor centre building would be located alongside the northern boundary of the operational area. A 3m wide cycle and pedestrian path is indicated running alongside the River Thames.

- 2.6 The proposed plant and buildings would be finished in a variety of materials including aluminium curtain walling, aluminium mesh, silver metallic cladding, and translucent cladding materials.
- 2.7 The proposal would be operated on a 24 hours per day, 7 days per week basis. The delivery of fuel by road would be between 0600 and 2000hrs, Monday to Saturday. It is anticipated that the facility would generate 266 vehicle movements per day, 204 of which would be HGVs. The proposal would create 25 full-time jobs over the 25 year life of the facility.
- 2.8 During the construction phase, two temporary areas alongside Frog Lane would be used as storage compound and layby areas.

3. Relevant History

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

P0650.11 – Extension of Time Limit of U0004.06 (construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant) – Approved 14th November 2011.

U0017.09 – Variation of Conditions 6 and 9 to Planning Permission U0004.06 to allow minor amendments to the power generation strategy and ancillary plant and equipment – Approved on 24th August 2010.

U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant – Approved on 2nd July 2008.

4. Consultations/Representations

- 4.1 This application was advertised by site notice and in the local press. Notification letters were sent to 175 neighbouring addresses. A representation has been received from a member of the public stating that there should be a requirement that the Thames Path extension not be obstructed.

4.2 Statutory Consultees

Natural England	No objections; conditions recommended.
English Heritage	No objections; conditions recommended.
Environment Agency	No objections; conditions recommended.
Greater London Authority	Additional information is required.

4.3 Non statutory Consultees

Transport for London	No objections; conditions recommended.
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.
London Borough of Bexley	No objections; however, it is considered that there is no strategic justification for the proposal.

5. Relevant Policies

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

CP10 (Sustainable Transport)
CP11 (Sustainable Waste Management)
DC9 (Strategic Industrial Locations)
DC32 (The Road Network)
DC34 (Walking)
DC35 (Cycling)
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)
DC66 (Tall Buildings and Structures)
DC72 (Planning Obligations)

5.2 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)

5.3 The London Plan

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

5.4 Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

6. Staff Comments

6.1 This proposal is put before Planning Committee as it is a Major development, which is contrary to the Development Plan.

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

7. Assessment

7.1 Principle of development

7.1.1 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 providing a destination for material that is difficult to recycle or reuse. Policy 5.7 of the London Plan states that “The Mayor seeks to increase the proportion of energy generated from renewable sources.” Paragraph 5.39 states that “Energy generated from waste provides a particularly significant opportunity for London to exploit in the future. Preference should be given to using advanced conversion technologies.” Policy DC50 of the LDF states that renewable energy development will be supported subject to certain criteria. As a recycling and recovery facility that

will divert waste away from landfill, the proposal is considered to be in accordance with the strategic objectives of the LDF, the London Plan, and the Joint Waste DPD.

7.1.2 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 Waste DPD and Policy CP11 of the LDF.

7.1.3 The London Borough of Bexley have raised no objections to the proposal but questioned the need for waste facilities of this nature. Both the London Plan and the Waste DPD support advanced waste processing facilities such as this one, subject to compliance with other planning policies.

7.1.4 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 objectives is to:

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

7.1.5 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 the recovery of waste, which includes gasification facilities, the Waste DPD identifies that there is a capacity gap, meaning that more processing capacity is needed in order to meet the apportionment.

7.1.6 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. However, this shortfall in waste recovery capacity is likely to be met with over 300,000 tpa of capacity having been approved by the East London boroughs since the waste capacity gap was established.

7.1.7 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 approved or operational. Policy W2 states that the ELWA boroughs will meet their waste apportionment by safeguarding the waste capacity of those facilities listed in Schedule 1, and by encouraging increased processing at these facilities towards the licensed amounts. The

Joint Waste DPD assumes that the Schedule 1 facilities are running at 75% of capacity.

7.1.8 The site under consideration has planning permission for a 98,000 tpa capacity gasification facility, which is listed under Schedule 1 of the Waste DPD. The proposed gasification facility would have a capacity of 130,000 tpa, providing 32,000 tpa of additional waste recovery capacity that is not required given that the waste capacity gap for recovery has already been filled. Whilst Policy W2 states that the ELWA apportionment will be met through the safeguarding of Schedule 1 facilities, and encouraging increased throughput at these, it would not be necessary to encourage any increased throughput in this case as the apportionment to 2021 has already been met.

7.1.9 Whilst it is considered that the principle of a 98,000 tpa gasification facility is already established at the site, it is also considered that the additional capacity being proposed in this case is unnecessary and would result in the area significantly exceeding its waste apportionment. 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 proposal is therefore considered to be contrary to Policy W2 of the Waste DPD.

7.1.10 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. However, the submitted information states that the proposed fuel source would be the neighbouring waste processing facility to the east, along with another facility at Jenkins Lane. It is considered unlikely that there could be a more suitable location for the proposed facility in relation to its proximity to the source of waste.

7.1.11 Whilst the proposal would be contrary to Policy W2 of 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 proposal would generate approximately 25MW of renewable energy, the vast majority of which would be available for export to the national grid. The proposal would employ a more efficient type of gasification technology than the previously approved scheme, and it is anticipated that 25% more electricity can be produced for the same amount of fuel input. The previously approved scheme would produce 13MW of electricity from 98,000tpa of SRF, compared to 25MW from 130,000tpa of SRF in the case under consideration. There is also potential for the export of heat from the scheme to neighbouring properties. The Greater London

Authority have requested additional information concerning proposals for the export of heat from the scheme. The applicants are currently preparing additional information and Members will be updated at Committee. It is proposed to secure a combined heat and power scheme by means of a Section 106 agreement.

7.1.12 The submitted information states that the proposal could provide enough electricity to power over 50,000 homes, and would also have the potential to provide heat to neighbouring properties as part of a combined heat and power scheme. Moreover, the siting of the proposal alongside existing, advanced waste management facilities, including the Frog Island Mechanical and Biological Treatment facility, from which the proposal would derive much of its fuel, would reduce the distances involved in transporting waste material. The proposal would also provide 25 full time jobs.

7.1.13 The job creating benefits of the proposal are considered to be of limited weight, given that other uses could be developed at the site that could generate even more employment opportunities. However, when taken together with the environmental benefits of the proposal, given that it would be well sited in relation to the source of waste; help to divert waste away from landfill; and generate a significant amount of renewable energy, are considered to be of significant weight.

7.1.14 Whilst the proposal is considered to be contrary to Policy W2 of the Waste DPD, it is considered that the environmental benefits of the proposal outweigh this.

7.2 Visual Impact

7.2.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not cause demonstrable harm to visual amenities. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC66 stipulates the criteria that must be satisfied to justify the siting of tall buildings or structures (above 18m in height) outside of Romford Town Centre.

7.2.2 The site is located on land designated as a Strategic Industrial Location and the surrounding area is characterised by “employment” related development. The Fairview Industrial Estate is located immediately to the east and the site is adjoined by a large area of hardstanding associated with the Ford motor company, which is located to the west. A significant amount of industrial development, including energy from waste facilities, along with large wind turbines, are located on the other side of the river, in the London Borough of Bexley.

7.2.3 The GLA have requested additional information in relation to the design of the proposal, which the applicants are in the process of preparing. Members will be updated at Committee of the outcome of these discussions.

- 7.2.4 The proposal would result in a significant amount of operational development on what is currently an area of open land, although there is extant planning permission for the development of a similar gasification facility at the site, which would also bring a large-scale industrial development to the site if it were implemented. However, the physical appearance of the proposal does differ significantly from what has previously been approved. The new gasification technology now being proposed means that the proposed facility would have a more vertically-orientated appearance.
- 7.2.5 The proposal would have a modern, industrial appearance and, as discussed earlier in this report, would have a stack that is 80m in height above ground level, along with various other buildings and structures ranging from approximately 19m to 48m in height. A number of these structures would have significant bulk and massing. The proposal would be visible from various public rights of way in the surrounding area and would be prominent from the river. The proposed chimney would be visible from a wide area, although, given its slim appearance, it is not considered that this would result in a significant adverse impact on visual amenity, particularly given the preponderance of other, existing tall structures in the area. The remainder of the site structures, a number of which would have significant height, bulk, and massing, would also have a significant visual impact, but this impact is not considered to be significantly harmful given the nature of the surrounding landscape, which is already characterised by large scale, industrial development.
- 7.2.6 In the interests of visual amenity, it is recommended that a condition be imposed preventing the storage of waste material and containers in the open air. Conditions should also be imposed requiring the submission of material samples for the approval of the local planning authority.
- 7.2.7 The proposal would result in tall structures being constructed outside of Romford Town Centre. It is considered that the height of the proposal is necessary to facilitate the process being proposed. The applicants consider the proposed technology to be more efficient and commercially viable than that to be contained in the previously approved, and safeguarded, scheme. The site is clearly a more appropriate location for the proposal than Romford Town Centre given its industrial nature. It is considered that the proposal has the potential to become a landmark development alongside the Thames, accompanying other large-scale, landmark industrial buildings such as the energy from waste facilities in Bexley. The proposal has an “honest” design which signifies its function and it is considered that the proposed use of light-metallic coloured materials would result in a high quality finish. The visual impact of the proposal is considered to be acceptable and the siting of the facility appropriate; it is considered that the proposal would not be contrary to Policy DC66 of the LDF.
- 7.2.8 Given the nature of the proposal, including its siting, scale, and design, and the nature of the surrounding landscape, it is considered that it would be in

accordance with Policies DC50, DC61 and DC66 of the LDF, subject to the imposition of the afore mentioned conditions.

7.3 Amenity

7.3.1 Policy DC50 of the LDF states that proposals for renewable energy generation will only be approved where, amongst other things, they do not cause demonstrable harm to residential amenities or give rise to unacceptable levels of pollution. Policy DC52 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.

7.3.2 The site is located in an industrial area; the nearest residential properties are located over a kilometre from the site to the north. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to the control of noise and contaminated land. These conditions should be imposed if planning permission is granted.

7.3.3 It is considered that the Environmental Statement contains sufficient information in relation to the control of air pollution not to warrant a planning condition in relation to this matter. Emissions are also a matter that will be controlled by the Environment Agency as part of the Environmental Permitting regime. The site is located in an Air Quality Management Area. The sources of new air emissions will be from road traffic associated with the proposal and from the proposed stack, including nitrogen dioxide, sulphur dioxide and others. The cumulative impact of the proposal and other, similar developments in the area has been considered as part of the Environmental Impact Assessment, particularly in relation to sensitive receptors including residential and other development located to the north, to ascertain potential impacts on human health. The likely impacts on nearby ecological sites have also been considered. It is concluded that the impact of the proposed development on local air quality, the general population, and the local community would not be significant. The Council's Environmental Health officers have raised no objections in relation to air quality impact, although a financial contribution of £1500 is being sought towards the cost of air quality monitoring measures in the local area.

7.3.4 The proposed legal agreement also contains a requirement that the proposed facility only use SRF produced at the Frog Island and Jenkins Lane processing facilities. This would assist in limiting the nature of the impacts that arise from the development.

7.3.5 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. These conditions would assist in preventing any significant adverse impacts arising from odour and dust drift.

7.3.6 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 to be 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

7.4 Access Considerations

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

7.4.2 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 capable of handling HGVs movements. It is estimated that the proposal would generate around 204 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 towards the provision of street lighting along Marsh Way.

7.4.3 Transport for London were consulted about the proposal with no objections being raised subject to the use of conditions requiring the submission of a travel planning details, a Delivery and Servicing Plan, and a Construction Logistics Plan, along with details relating to electrical vehicle charging points to be used within the site. The GLA have endorsed these comments, adding that further details be required in relation to cycle storage arrangements. It is recommended that conditions be imposed requiring the submission of this information and compliance with any details approved. It is recommended that the proposed Travel Plan be sought by means of the legal agreement to be completed by the applicant prior to the grant of planning permission.

7.4.4 Transport for London have also stated that financial contribution towards local connectivity improvements should be sought. The Council's Highway officers have raised no objections to the proposal subject to a planning obligation requiring a financial contribution towards street lighting along Marsh Way. The legal agreement relating to the previously approved gasification facility at the site included various provisions relating to connectivity and access improvements, which it is recommended are carried over as part of a new legal agreement, with changes where necessary to reflect the increased size of the proposed facility.

7.4.5 It is recommended that the proposed legal agreement include the requirement for a financial contribution of £150,000 to be used in part or in whole towards the costs of street lighting along Marsh Way, the Thames Path, accessibility improvements between Rainham village and the River Thames, and local public transport improvements. It should also be a requirement that an area alongside the river wall be safeguarded for use as a riverside pathway and that reasonable endeavours be made by the developer to secure a conveyor belt system between the site and the Frog Island facility to reduce vehicle movements.

7.4.5 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 Council's approval.

7.4.6 In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policies CP10 and DC32 of the LDF, subject to the imposition of the aforementioned conditions and the completion of a Section 106 agreement.

7.5 Ecology

7.5.1 The site is located alongside a Metropolitan Site of Nature Conservation Importance and in close proximity to the Inner Thames Marshes and Ingrebourne Marshes SSSIs. 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 requiring the implementation of those protection measures proposed in the submitted Environmental Statement. This condition should be imposed if planning permission is granted.

7.5.2 The Environment Agency have also proposed conditions, should consent be granted, requiring a 16m stand-off distance from the River Thames along with a further condition relating to the control of Japanese Knotweed. These conditions should be imposed if planning permission is granted.

7.5.3 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.

7.6 Flood Risk and Drainage

7.6.1 The site is located in Flood Zone 1, as defined by Havering's Strategic Flood Risk 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. It is stated that a sequential approach should be adopted, which directs development to the lowest appropriate flood risk zone; that flood storage capacity should not be

constrained in the Flood Plain; and that necessary surface water drainage requirements are achieved. The LPA takes advice from consultees on the latter two issues.

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

7.6.3 The Environment Agency has recommended several conditions relating to surface water drainage; the survey, maintenance and protection of the river defence wall; and the protection of ground waters. It is recommended that these conditions be imposed should planning permission be granted.

7.6.4 The LPA is required to take a sequential approach to the location of proposed development, encouraging development in areas with the lowest risk of flooding possible. Given that the proposal is located in Flood Zone, it is not considered that there are any other sites that the proposal could be located on that would be at lower risk of flooding.

7.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be in accordance with Policy DC48 of the LDF.

7.7 Other Considerations

7.7.1 The proposal would result in the erection of 940sqm of new buildings and would therefore give rise to a Mayoral CIL payment of £18,800.

7.7.2 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. The proposal is considered to be acceptable in relation to this policy.

7.7.3 The GLA has stated that the applicant should make a commitment to strategies aimed at training local people during the construction phase of the development and in the operation of the proposal. A clause will be included in the proposed Section 106 agreement requiring the developer to use best endeavours to provide training opportunities in relation to the construction and operation of the development.

7.7.4 Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for the preservation and recording of archaeological remains. English Heritage were consulted about the proposal and have recommended the use of conditions, should planning permission be granted, requiring a site investigation and other measures to protect any onsite archaeology. It is recommended that this condition be employed.

7.7.5 The GLA have stated that the applicant should provide additional information relating to the design of the proposal and the proposed

combined heat and power plant. Members will be updated at Committee with any revised comments that are received.

7.7.6 The application has been recommended for approval subject to conditions and the completion of a legal agreement by 30th August 2012, the heads of terms for which were detailed earlier in this report. In the event that the legal agreement is not completed by the 30th August 2012, it is recommended that the application be refused on the following grounds:

- 1) The failure to make provision for environmental and connectivity improvements in the local area; an employee Travel Plan; and a potential conveyor belt, would result in insufficient sustainable transport measures being provided, contrary to Policies CP10 and DC72 of the LDF.
- 2) The lack of provision for training/employment opportunities for local people is such that the proposal would be contrary to Policies DC13 of DC72 of the LDF.

8. Conclusion

8.1 Whilst it is considered that the proposal would be contrary to Policy W2 of the Waste DPD, it is considered that other material considerations overcome this departure from the Development Plan, namely that the proposal would provide significant benefits in relation to the production of renewable energy and heat. The proposal is considered to be acceptable, subject to the aforementioned conditions and the completion of a legal agreement that would achieve the objectives outlined earlier in this report.

8.2 Officers consider the proposal to be acceptable, having had regard to Policies W2 and W5 of the Waste DPD, along with Policies CP10, CP11, DC9, DC32, DC34, DC35, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, DC66 and DC72 of the LDF, and all other material considerations.

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

Planning application P0555.12; all submitted plans and information including Environmental Statement, application form, and certificates.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 August 2012

Subject Heading:

**L0002.12 – Bretons Social Club, The
Manor House, 411 Rainham Road,
Rainham**

Report Author and contact details:

**Repair of existing windows.
Replacement of first floor central
window with new upper sash of
original pattern (Application received
24th April 2012)**

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the repair of the existing windows and the replacement of the first floor central window with a new upper sash of an original pattern on the front elevation of this Grade II* listed building. The planning issues are set out in the report below and cover the impact on the listed building. The site is Council owned.

For the reasons set out in the report, Staff consider that a grant of Listed Building Consent should be given subject to referral to the Secretary of State under the Planning (Listed Buildings and Conservation Areas) Regulations 1990. Local Authorities within London do not have delegated powers to grant Listed Building Consent on applications relating to authority owned buildings.

RECOMMENDATIONS

It is recommended that the Committee delegate to the Head of Development and Building Control authority to grant Listed Building Consent subject to the conditions set out in this report; a referral of the application to the Secretary of State and there being no contrary determination. In the event of a contrary determination by the Secretary of State the matter will be remitted back to Regulatory Services Committee for its further consideration. Conditions:

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

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

2. Materials – The materials for the new and repaired windows hereby approved shall be carried out in strict accordance with the ‘Window repairs Bretons Document 514/03’ dated 24th April 2012 and painted white to match the existing windows in accordance with the advice of the Council’s Listed Historic Building and Landscape Officer unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 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.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies CP18, DC61 and DC67 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

REPORT DETAIL

1. **Site Description:**

- 2.1 The Bretons Manor (The Manor House) is a late 17th century Grade II* Listed Building located on the western side of Rainham Road. The Manor comprises of a three storey building and forms part of the Bretons Outdoor Recreational Centre owned by the Council. The surrounding area is characterised by playing fields, an equestrian centre and two car parks. To the East, fronting onto Rainham Road, are mainly semi-detached residential properties.

2. **Description of development:**

- 2.1 The application seeks Listed Building consent for the repair of the existing windows on the front (East) elevation of this Grade II* listed building and the replacement of the first floor central window with a new upper sash of an original pattern. The works include replacement and repairs to joinery, repairs to cills and a stone indent to a cill. The timber for repairs, new frames and sashes will be vacuum preservative treated softwood. Cills and replacement cills are to be of European Oak.
- 2.2 The only box frames to be replaced rather than repaired are those on the second floor on the East elevation, which are relatively recent (approximately 1970) replacements constructed in very poor quality timber and exhibiting significant levels of decay and deterioration. The only design change is the substitution of an arched glazing bar profile to the first floor central window (W13) in place of the existing unsuitable pattern.

3. **Relevant History:**

- 3.1 L0002.05 – Listed Building consent for replacement of nine windows on the rear elevation – Approved.

L0013.04 – Listed building consent for internal opening – Approved.

4. Consultations/Representations:

- 4.1 The proposal was advertised by way of a site notice and in the local press as development which relates to a Listed Building. The occupiers of 10 neighbouring properties were notified of this proposal. No letters of representation were received.
- 4.2 The Society for the Protection of Ancient Buildings – The proposals are for the repair and replacement of some windows. It is understood that where possible the windows are to be repaired and if this is not possible they are to be replaced ‘like for like’. It appears that the windows that are to be replaced are of recent date and poorly constructed. The approach to the work described in the application documents is one that the Society advocates and supports the sensitive approach to the repair of this historic building.
- 4.3 English Heritage – No comment. The application should be determined in accordance with national and local policy guidance and on the basis of the Council’s specialist conservation advice.

5. Relevant Policies

- 5.1 Policies CP18 (Heritage), DC61 (Urban Design) and DC67 (Buildings of Heritage Interest) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material.
- 5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.
- 5.3 Policies 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework is relevant.

6. Staff comments

- 6.1 The main issues in this case are the impact of the proposed alterations on the appearance and historic character of the Listed Building.

7. Listed Building Implications

- 7.1 Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within the National Planning Policy Framework advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

- 7.2 The Council's Heritage Officer was consulted and has provided the following comments. Bretons House is Grade II* listed; dating from the late 17th Century, the property was rebuilt around 1740 into the existing three storey, 5 bay brick classical Georgian building with Doric columned porch with projecting bay. The property is owned by the Council and is currently used as a social club.
- 7.3 The application is for the repair to a number of windows on the front elevation, as well as repairs to the window cills. Currently a number of the windows have significantly deteriorated in condition as a result of previous poorly executed repairs and the failure of the materials. The methodology for proposed repairs are well considered and very sympathetic to special character of the heritage asset; each window has been individually appraised to ensure the repairs are bespoke to each box sash window, to allow for the maximum retention of historic fabric whilst retaining a uniform appearance across the façade. The wholesale replacement of the window joinery to number of reveals are considered acceptable; it has been indicated that these are actually 20th Century replacements which are of insufficient quality as the materials are failing. As such, their replacement in high quality materials, replicating the original proportions and detailing is considered appropriate.
- 7.4 The window joinery is to be repaired using vacuum preservative treated softwood timber, with the cills in European Oak. The stone indent to the stone cills will be Portland stone, which will match the existing limestone cills. The sash cords will be replaced with waxed jute cords. All of these materials are considered appropriate to the age and style of the building and therefore maintain the authenticity and integrity of the building.
- 7.5 The replacement of the upper sash of the first floor central window is also considered acceptable; the glazing pattern has been altered and it is proposed to return it to its original form, which is more aesthetically pleasing and will restore an original feature of the building. Therefore it is recommended that the application is approved, as the proposed repairs will ensure the historic fabric and architectural detailing of the listed building is retained, and therefore will ensure that the special historic and architectural character of the listed building is preserved. The materials will be secured by condition if minded to grant planning permission. Overall, staff consider that the proposed works to be acceptable.

8. **Conclusion**

- 8.1 It is considered that the repair and replacement of windows on the front elevation of Bretons Manor House would conserve and enhance the architectural and historic character and appearance of the Listed Building and the proposal would not adversely affect its setting. The proposed development would be in keeping with the existing building and would not materially harm the visual amenities of the surrounding area or the streetscene. The proposed works would not result in any undue harm to the residential amenities of

neighbouring properties. No issues are raised in respect of parking or highway issues.

- 8.2 For the reasons set out in the report, Staff consider that a grant of Listed Building Consent can be given subject to referral to the Secretary of State. Local Authorities within London do not have delegated powers to grant Listed Building Consent on authority owned buildings.

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:

None.

BACKGROUND PAPERS

Application forms and plans received 11/5/2012.

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 August 2012

Subject Heading:

**P0554.12 – Former Community Hall,
Nelson Road, Rainham**

**Demolition of existing community hall
and construction of 8 new dwellings (4
detached and 4 semi-detached) with
associated parking and private amenity
space, new access road and
landscaping (Application received 11th
May 2012)**

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report relates to land in the ownership of the Council and is for the demolition of the existing community hall and the construction of 8 new dwellings (4 detached and 4 semi-detached) with associated parking and private amenity space, a new access road and landscaping. A Section 106 Legal Agreement is required in accordance with the draft 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 £48,000 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 prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee 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 hereby permitted shall not be commenced 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, 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. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

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

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

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

8. 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.

9. Car parking - 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, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

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

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

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

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

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

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

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

13. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A to E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, 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 Development Control Policies Development Plan Document Policy DC61.

14. 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.

15. 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.

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

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

17. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road and turning area shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the plans) to prevent their use for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

18. Access road - Before the buildings hereby permitted is first occupied, the access road to the site shall be surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the use of vehicles visiting the site.

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

19. Highway alterations - The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

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

20. 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 and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

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

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

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

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

23. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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.

Reason: To protect neighbouring amenity.

24. Flank Windows – Obscure/fixed - The proposed windows in the flank elevations of the proposed dwellings shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) which 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.

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 808m² and amounts to £16,160.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP17, DC2, DC3, DC11, DC27, DC33, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as 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. In aiming to satisfy condition 22 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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

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

5. 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.

Planning Obligations

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

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

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site is located on the south eastern side of Nelson Road. The site is presently occupied by a two storey detached building, which was formally used as Whybridge Parents Association Childrens Club. A library and community centre are located to the north east of the site. There are garages and a pair of semi-detached dwellings to the south west of the site. There are two storey terraced properties to the north west of the site. There are detached and semi-detached dwellings located to the south east of the site. It is noted that the application site slopes downhill from north west to south east.

2. **Description of development:**

- 2.1 The application seeks permission for the demolition of the community hall and the construction of 8 new dwellings (4 detached and 4 semi-detached) with associated parking and private amenity space, a new access road and landscaping.
- 2.2 There would be a pair of semi-detached dwellings and a detached dwelling fronting onto Nelson Road with an access road in between. There would be three detached dwellings and a pair of semi-detached dwellings with a turning area to the rear of the site, which backs onto the rear gardens of dwellings in Hubert Road.
- 2.3 The dwellings have gabled roofs and have a ridge height of 8.2 metres. The dwellings to the site frontage have similar footprints, measuring on average 5.5m wide and 9.4m deep. Those to the rear of the site are of similar depth, at 9.4m but are wider at 6.6m.

3. **Relevant History:**

- 3.1 No relevant planning history.

4. **Consultations/Representations:**

- 4.1 The occupiers of 41 neighbouring properties were notified of this proposal. Five letters of objection were received (including one from Councillor Breading) with detailed comments that have been summarised as follows:
- Queried as to whether the dwellings would be for private sale or affordable homes.
 - Traffic and congestion.
 - Lack of parking.
 - Overlooking and loss of privacy.
 - Loss of light.
 - Overshadowing to the rear gardens of dwellings in Hubert Road.
 - The rear garden of the dwellings in Hubert Road occupy a higher ground level than the application site.
 - Noise and disruption from building works.
 - Queried when building works would commence and their duration.
 - The proximity of the dwelling in Plot A to the south western boundary of the site.
 - Drainage and flooding.
 - Concerns that the access road would be too narrow for refuse and fire brigade vehicles.
- 4.2 In response to the above comments, conditions would be placed in respect of hours of construction and a construction method statement if minded to grant planning permission. A condition can be placed requesting a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings if minded to grant planning permission. Drainage is not a material planning consideration and is a building control matter. The remaining issues will be covered in the following sections of this report.
- 4.3 The Fire Brigade is satisfied with the proposals. The access roadway and turning facilities should comply with 11.4 of ADB Volume 1.
- 4.4 Environmental Health - Recommend conditions if minded to grant planning permission.
- 4.5 Crime Prevention Design Advisor - Recommends a condition and an informative if minded to grant planning permission.
- 4.6 The Highways Authority has no objection to the proposals.
5. **Staff Comments:**
- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC27 (Provision of Community Facilities), DC33 (Car Parking), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising

housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The National Planning Policy Framework is relevant.

5.2 Principle of Development

- 5.2.1 The site is an existing community hall and Policy DC27 applies. Policy DC27 states that planning permission which involves the redevelopment of a community facility will be granted where it is can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use or where suitable alternative provision is made.
- 5.2.2 The community hall has been vacant since 2010. The agent has supplied supporting information detailing the marketing campaigns for the Nelson Road Community Hall. The property was first marketed in January 2011 with advertisements in the Romford Recorder. There was an extensive mailing campaign to all known developers, investors, existing users and community users. An advertising board was erected on the site displaying 'To let' and 'For sale'. Thirteen proposals were received from a variety of developers, community users and churches. A chosen party was unable to proceed with the purchase due to lack of funds. The property was removed from the market to be reviewed later in the year.
- 5.2.3 A decision was taken by Cabinet to dispose of the property and the site was remarketed in July 2011 and was advertised nationally in the Estates Gazette. There was an extensive mailing campaign to all known developers, investors, existing users and community users. The advertising board remained on the site. Six proposals were received and most of these where from developers. The chosen party raised issues with regards to possible underground landfill and subsequently withdrew their offer. The property was removed from the market and the possibility of gaining planning permission before advertising the site again was discussed. It is Staff's view that the above supporting information demonstrates that there is no longer a need for the facility in its current use or for any alternative use.

5.3 Density and site layout

- 5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare.

- 5.3.2 The proposal achieves a density of some 34 units per hectare on this 0.233 hectare site, which falls within the range of this density and is therefore acceptable.
- 5.3.3 All of the proposed dwellings have a gross internal area in excess of 100 square metres. This exceeds the minimum internal space standards set out in Policy 3.5 of the London Plan.
- 5.3.4 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, which varies between a minimum and maximum of 75 and 202 square metres respectively. 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.

5.4 Design/impact on street/Garden scene

- 5.4.1 The application would comprise the demolition of the existing community hall on the site. While the building appears to be in a structurally sound condition, the building is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.
- 5.4.2 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. Nelson Road primarily comprises of two storey terraced dwellings. There are community buildings at the junction of Nelson Road and Rainham Road, comprising a community centre and a library building. These are low rise buildings and are also set below street level due to a fall in levels towards the east.
- 5.4.3 It is Staff's view that the proposed houses do appear to replicate the architectural style of neighbouring dwellings in Nelson Road given their staggered front façade with two storey projecting element and would be comparable in terms of general proportions and detailing including their gabled roofs and canopy porch roofs.
- 5.4.4 The dwellings would be similar in height to neighbouring residential dwellings in Nelson Road. 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. The position of the dwellings in the streetscene is considered to be compatible with the general building line in Nelson Road. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

5.5 Impact on amenity

- 5.5.1 It is considered that the community centre and library would not be adversely affected by the proposal, given their use and the vehicular access and car park provide a minimum and maximum separation distance of approximately 12 and 18 metres.
- 5.5.2 It is noted that the community hall extends approximately 16 metres beyond the rear building line of No.'s 106-108 Nelson Road. It is considered that the proposed development would not result in a significant loss of amenity to No.'s 108-106 Nelson Road, as the detached dwelling in Plot A would be in general alignment with the front and rear facades of these neighbouring dwellings. In addition, there would be a separation distance of approximately 1 metre and 1.8 metres between the flank of the dwelling in Plot A and the south western boundary of the site. It is noted that the application site slopes downhill from north west to south east, therefore, the proposed dwellings in Plots D to H will occupy a lower ground level than No.'s 108-106 Nelson Road, which will help to mitigate their impact. A topographical survey was submitted showing the existing ground levels within the site as well as a proposed section through the site. Another drawing is required showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings, which can be secured by condition if minded to grant planning permission.
- 5.5.3 It is noted that No. 108 Nelson Road has a window on its north eastern flank in the roof space of the dwelling, which should not be adversely affected by the proposal as it is obscure glazed and serves a landing, which is not a habitable room. It is considered that the dwellings in Plots D to H should not result in a significant loss of amenity to No.'s 108-106 Nelson Road, as there would be a distance of approximately 28 metres between the rear façade of these neighbouring dwellings and the front façade of the closest dwelling in Plot D. Taking the above factors into account, it is considered that the proposal would not result in any undue overlooking and loss of privacy. Conditions can be placed in respect of landscaping and boundary treatments if minded to grant planning permission.
- 5.5.4 It is considered that the proposed development would not result in a significant loss of amenity to the neighbouring dwellings located opposite the site in Nelson Road, as there would be a front to front distance of approximately 22.5 metres between the front façade of the nearest neighbouring dwellings (No.'s 73-83 Nelson Road) and the front façade of the proposed dwellings in Plots A to C. It is considered that the proposal would not result in any undue overlooking and loss of privacy given the above separation distance.
- 5.5.5 The proposed development should not adversely impact on the block of garages located south west of the application site, as there would be a

separation distance of approximately 1.4 and 1.7 metres between the flank of the dwelling in Plot D and the south western boundary.

- 5.5.6 It is considered that the proposed development would not result in a significant loss of amenity to the neighbouring dwellings located to the rear of the site in Hubert Road, as there would be a back to back distance of approximately 32 metres between the rear façade of the nearest neighbouring dwellings (No.'s 125-135 Hubert Road) and the rear façade of the proposed dwellings in Plots D to H. It is considered that the proposal would not result in any undue overlooking and loss of privacy given the above separation distance.
- 5.5.7 It is considered that the proposed development would not result in significant degree of traffic or congestion, given that the site was formally used as a community hall. The parking provision for the development is addressed in the following section of this report.

5.6 Highway/parking issues

- 5.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be two spaces on hardstanding per dwelling. In addition, there would be two visitor car parking spaces. The Highways Authority has no objection to the proposals subject to conditions. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

6. The Mayor's Community Infrastructure Levy

- 6.1 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 808m² and amounts to a Mayoral CIL payment of £16,160.

7. Conclusion

- 7.1 It is Staff's view that the above supporting information demonstrates that there is no longer a need for the facility in its current use or for any alternative use. Therefore, residential development on the site is considered to be acceptable in principle and no objections are raised to the loss of the community hall. It is considered that the height, siting, design and scale of the dwellings proposed is 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 £48k towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is

considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal will result in the loss of a community hall. However, the decision to dispose of the hall follows from an extensive marketing campaign and lack of feasible interest in using the hall for community purposes. Evidence therefore suggests that there is no continued demand for the community hall and that its loss would not have an unacceptable impact on the local community or adverse equalities implications.

BACKGROUND PAPERS

Application forms and plans received 11/5/2012.

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 August 2012

Subject Heading:

P0539.12 – Former Duckwood Public House, 59 Whitchurch Road, Harold Hill

Demolition of existing public house and erect a terrace of 6 houses with 10 parking spaces using existing accesses (Application received 24th May 2012)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the demolition of the existing public house and the erection of a terrace of 6 new dwellings with 10 parking spaces using existing accesses. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Draft 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 £36,000 to be used towards infrastructure costs in accordance with the Draft 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, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee 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 hereby permitted shall not be commenced 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, 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. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

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

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

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

8. 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.

9. Car parking - 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, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

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

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

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

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

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

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

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

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

13. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A, B, C and E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, 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 Development Control Policies Development Plan Document Policy DC61.

14. 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.

15. 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 (having previously submitted 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);

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

18. Obscure glazing - The proposed first floor window on the western flank of dwelling No. 1 serving a landing 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.

19. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect neighbouring amenity.

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 671.5m² and amounts to £13,440.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP8, CP17, DC2, DC3, DC4, DC7, DC11, DC27, DC32, DC33, DC34, DC35, DC36, DC40, DC49, DC53, DC55, DC61, DC62, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Design and the Draft Planning Obligations Supplementary Planning Document. 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. In aiming to satisfy condition 17 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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

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

5. 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.

Planning Obligations

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

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

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site is located on the junction of Whitchurch Road and Wigton Way. The site is presently occupied by a former public house, which has the appearance of a chalet bungalow with accommodation in the roof space with gabled ends. There is a bus stop to the front of the application site. The surrounding area is typified by a mixture of two storey semi-detached and terraced dwellings. Ground levels drop east to west. There is a level difference of approximately 0.34m across the frontage of the site and 3.77m along Wigton Way, therefore, properties in Wigton Way are significantly lower than the existing public house.

2. **Description of development:**

- 2.1 The application seeks permission for the demolition of the public house and the construction of a terrace of 6 dwellings with 10 parking spaces using existing accesses.
- 2.2 Five of the terraced dwellings would have the same front and rear building lines and dwelling No. 6 (located adjacent to the junction of Whitchurch Road and Wigton Way) would have staggered front and rear building lines, as it would be recessed 1.8 metres from the front façade of the adjoining terraced dwellings. The parking spaces would be located to the front of the site. The dwellings would have raised terraces to the rear, with steps leading down to the garden.
- 2.3 The row of terraced dwellings would have a width of 29 metres and a depth of 10.3 metres. Either end of the terraced building would have gabled roofs with

hipped ends. The dwellings would have a ridge height of approximately 9 metres and feature roof lights on the front façade and rear dormer windows.

3. Relevant History:

3.1 No relevant planning history.

4. Consultations/Representations:

4.1 The occupiers of 32 neighbouring properties were notified of this proposal. One letter of representation was received with detailed comments that have been summarised as follows:

- Queried the boundary treatment on the western boundary of the site, which is in a state of disrepair.
- Subsidence and damage to their property during construction.
- Queried the person responsible for maintaining the shrubs being planted in the car park.
- Queried the time frame for the works subject to planning permission being granted.
- Restrictions covering hours of work on the site.

4.2 In response to the above comments, there would be a 1.8m high concrete slats and a 2.4m high close boarded timber fence and trellis as necessary on the western boundary of the site and this can be secured by condition if minded to grant planning permission. Conditions would be placed in respect of hours of construction and a construction method statement if minded to grant planning permission. The remaining issues will be covered in the following sections of this report.

4.3 The Fire Brigade is satisfied with the proposals.

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

4.5 Crime Prevention Design Advisor - Recommends conditions in respect of boundary treatments, cycle storage, lighting, landscaping and secured by design and an informative if minded to grant planning permission.

4.6 The Highways Authority has no objection to the proposals. Recommends two conditions and two informatives if minded to grant planning permission.

4.7 The StreetCare Department states that the plans show refuse containers for the proposed development, although the Borough only has sack collection, so the bags will need to be taken out of the containers and presented at the boundary of the houses for collection.

5. Staff Comments:

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions and subdivision of residential uses), DC11 (Non-designated sites), DC27 (Provision of Community Facilities), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Draft Landscaping Supplementary Planning Document, the Draft Planning Obligations Supplementary Planning Document and Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The National Planning Policy Framework is relevant.

5.2 Principle of Development

5.2.1 Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site is non-designated land for which housing is a priority use.

5.2.2 There are no specific planning policies which require the retention of public houses in the Borough. Nonetheless, on appeal the Secretary of State has determined that some public houses, due to their use for community gatherings in addition to their use as drinking establishments and their unique provision of such facilities within remote village locations, should not be removed to allow alternative development. Policies CP8 and DC27 indicate that community facilities should be provided and retained within the Borough. The Duckwood public house has been vacant for approximately ten years and during this time, there have not been any planning applications to utilise the site for a community use. Therefore, the redevelopment of this site for residential use within the urban area is therefore considered to be acceptable in principle.

5.3 Density and site layout

5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare.

- 5.3.2 The proposal achieves a density of some 43 units per hectare on this 0.14 hectare site, which falls within the range of this density and is therefore acceptable.
- 5.3.3 The development is arranged as a terrace of 6 fronting onto Whitchurch Road, which would be accessed via the existing 'in and out' driveway that serves the public house with a shared parking forecourt and gardens to the rear. The parking layout is more synonymous with flatted developments and represents a departure from surrounding development, which is characterised by private front gardens, some with allocated parking. It is considered that the provision of a shared forecourt to the front of the properties is deemed to be acceptable, as this arrangement has previously been accepted on nearby developments, such as No. 90 North Hill Drive. A condition will be placed in respect of a landscaping scheme if minded to grant planning permission.
- 5.3.4 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, which varies between a minimum and maximum of 64 and 107 square metres respectively. 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.

5.4 Design/impact on street/Garden scene

- 5.4.1 The application would comprise the demolition of the existing public house and outbuilding on the site. The buildings are not of any particular architectural or historic merit and no in principle objection is therefore raised to their demolition.
- 5.4.2 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. Whitchurch Road is typified by a mixture of two storey semi-detached and terraced dwellings with hipped and gabled roofs.
- 5.4.3 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is noted that the dwellings are narrower than surrounding properties and the height of this terraced building would be greater than adjacent neighbouring properties, although staff consider that this would not be harmful to the character and appearance of the streetscene for the following reasons. When considering the merits of this application, weight was attached to the fact that ground levels drop east to west where properties in Wigton Way are significantly lower than the existing public

house. In addition, the block of terraced dwellings would be set in between approximately 5.6 and 8.1 metres from the western boundary of the site and between 1 metre and 2.8 metres from the eastern boundary and as such, would not appear cramped on the site. The terraced building would be situated further back in the site than the existing public house in order to utilise the existing accesses and provide sufficient car parking. The siting of the terraced building is deemed to be acceptable, taking into account a separation distance of approximately 5.6 and 8.1 metres from the western boundary of the site and between 1 metre and 2.8 metres from the eastern boundary.

- 5.4.4 It is considered that the gabled roofs with hipped ends on either end of the terraced building would reduce its bulk and integrate well with the streetscene. It is Staff's view that the proposed houses would be comparable to neighbouring properties in terms of detailing including their canopy porch roofs. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

5.5 Impact on amenity

- 5.5.1 Consideration has been given to the fact that the terraced building would be situated further back in the site than the existing public house. It is considered that the proposal would not result in a significant loss of amenity to No.61 Whitchurch Road, as there would be a separation distance of approximately 5.6 and 8.1 metres between the flank of dwelling No. 1 and the western boundary of the site. Following an internal inspection, it is noted that No. 61 Whitchurch Road has one ground floor flank window, which serves a hallway and is obscure glazed. No.61 Whitchurch Road has an obscure glazed door on its flank, which serves the kitchen and is a secondary light source with windows on the rear. No. 61 Whitchurch Road has a first floor flank window, which is clear glazed and serves a landing, which is not a habitable room. Dwelling No. 1 features a first floor flank window, which serves a landing and can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission to avoid any undue overlooking of the rear garden of No. 61 Whitchurch Road.

- 5.5.2 It is considered that the proposed development would not result in a significant loss of amenity to the neighbouring dwellings located opposite the site in Whitchurch Road, as there would be a front to front distance of approximately 31 metres between the front façade of the nearest neighbouring dwellings (No.'s 50-56 Whitchurch Road) and the front façade of the proposed dwellings. It is considered that the proposal would not result in any undue overlooking and loss of privacy given the above separation distance. In addition, the plans show 3 new trees and shrubs to be planted on the northern boundary of the site to provide some screening and this landscaping can be secured by condition.

- 5.5.3 It is considered that the proposed development would not result in a significant loss of amenity to the neighbouring dwellings located south east of

the site, as there is a green to the front of No.'s 2-12 Wigton Way, which has a depth of approximately 16 to 25 metres. It is considered that the proposal would not result in any undue overlooking and loss of privacy given the above separation distance.

5.5.4 It is considered that the proposed development would not result in a significant loss of amenity to the neighbouring dwellings at No.'s 1, 3, 5 and 55 Wigton Road, as these dwellings are located at an oblique angle from the proposed dwellings and No. 5 Wigton Road does not have any flank windows. It is considered that the proposed development would not result in any undue overlooking and loss of privacy to neighbouring properties in Wigton Road for the following reasons. Firstly, consideration has been given to the existing 4.6m deep raised terrace area to the rear of the public house. Secondly, the plans show a 2.4m high close boarded timber fence and trellis on the eastern, southern and western boundaries of the application site, which should provide sufficient screening given the change in ground levels and can be secured by condition if minded to grant planning permission. Thirdly, the plans show 9 new trees and a hedge to be planted on the western and southern boundaries of the site to provide further screening and this landscaping can be secured by condition. The western corner of the terrace for dwelling No. 1 has been chamfered to minimise the potential for any overlooking. There are steps from the terraces leading down to the rear gardens of the proposed dwellings, which would occupy a lower ground level.

5.5.5 When reviewing the merits of this application, consideration was given to the fact that the terrace of 6 dwellings would replace a former commercial use as a public house and therefore, there should be less potential for noise and disturbance to neighbouring properties in the vicinity of the site. Furthermore, neighbouring properties have an outlook over the site, which currently comprises of a dilapidated public house and outbuilding with an overgrown garden. It is Staff's view that the proposed development would improve the condition and appearance of the site. Landscaping and boundary treatment conditions can be secured by condition if minded to grant planning permission. The block of terraced dwellings would be set in between approximately 5.6 and 8.1 metres from the western boundary of the site and between 1 metre and 2.8 metres from the eastern boundary, which would help to mitigate its impact on neighbouring properties.

5.5.6 It is considered that the proposed development would not result in significant degree of traffic or congestion, given that the site was formally used as a public house. The parking provision for the development is addressed in the following section of this report.

5.6 Highway/parking issues

5.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be 1.5 spaces on hardstanding per dwelling. In addition, there would be one disabled

car parking space. A shed is proposed in each rear garden to provide storage for 2 cycles per unit, details of which can be secured by condition if minded to grant planning permission. The Highways Authority has no objection to the proposals subject to conditions. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

6. Trees

- 6.1 An arboricultural implications report was submitted with the application. There are no tree preservation orders on the site. Staff have no concerns regarding the removal of four trees on the site, which comprise of a Cypress and three Sycamores. The small areas of self sown ash and sycamore are also to be cleared. The planting of twelve new trees would compensate for the loss of the existing trees and would be secured by way of a landscaping condition if minded to grant planning permission.

7. The Mayor's Community Infrastructure Levy

- 7.1 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 671.5m² which equates to a Mayoral CIL payment of £13,440.

8. Planning Obligations

- 8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £36,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.

9. Conclusion

- 9.1 The proposed residential use of the site is acceptable in principle and no objections are raised to the loss of the public house. It is considered that the siting, design and scale of the dwellings proposed is 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 £36,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 24/5/2012.

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 August 2012

Subject Heading:

P0685.12 – Ferndale, 1 Paternoster Row, Noak Hill, Romford

Report Author and contact details:

Conversion of detached garage into a new dwelling (30th May 2012)

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The application seeks planning permission for the conversion of an existing detached garage to provide annexe accommodation for family members. A legal agreement is required to place an occupation restriction on the annexe for family members. 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 and approval is therefore recommended.

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:

- The owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising Ferndale, 1 Paternoster Row;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising Ferndale, 1 Paternoster Row;
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed;
- Payment of the appropriate planning obligation/s monitoring fee prior to the 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 hereby permitted shall not be commenced 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 - All new external finishes shall be carried out in materials to match those of the existing building, and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction of the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

Reason:-

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

5. 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.

6. Removal of Permitted Development Rights (II) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E and fences and boundary treatments under Part 2, Class A shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

7. Sound Insulation - The converted outbuilding shall be so constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 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 the National Planning Policy Framework, and in order that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP17, DC4, DC33, DC45, DC55, DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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 Ferndale is a large, detached chalet bungalow set in 0.6ha of land. The site is located along the private road of Paternoster Row, and falls within the Metropolitan Green Belt and the Having Ridge Area of Special Character. The front boundary of the site comprises mature hedging and two sets of electric gates, serving an in-and-out drive. There is parking for at least 6 vehicles on the hardstanding in front of the house.
- 1.2 In the northern corner of the site, set at right angles to the main house is a large, detached double garage. The garage is brick built, with a tiled hipped roof. A games room is located in the roof of the garage, which contains two front and two rear facing dormer windows. Behind the garage, is a 2.5m high hedge.
- 1.3 There are a small number of detached properties set in generous plots in the vicinity, but predominantly the surrounding area comprises open fields and small patches or strips of woodland.

2. Description of Proposal

- 2.1 The application is to convert the double garage into a two bedroom house to act as an annexe to the main house, for the use of the applicants' daughter and her family. The house would comprise 2 bedrooms and a bathroom on the first floor and a lounge, kitchen, utility room and dining room at ground floor level. The floor area would be around 120 square metres.

- 2.2 To facilitate the conversion the garage doors and external staircase would be removed and a front door and three ground floor windows would be inserted into the front elevation. A side door would be inserted into the east facing elevation and a new ground floor window inserted into the rear elevation. At first floor level the only change would be the insertion of a 0.75m x 1m roof light to the front elevation, to sit between the existing dormer windows.
- 2.3 The annexe would share the parking and amenity space belonging to the main house.

3. Relevant History

- 3.1 P1975.07 – Form 1st floor above re-built ground floor side extension. Including front, side and rear dormer windows – Approved
- 3.2 P1540.05 - Form bedroom within first floor mansard roof, new garages, new roof over existing garage, dormer windows & glazed entrance porch – Approved

4. Consultations/Representations

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Seven neighbouring properties were also directly notified of this proposal. No letters of representation were received.
- 4.2 The Council's Highways Authority has no comment or objection.
- 4.3 The Council's Environmental Health Department recommends the imposing of 2 conditions if minded to grant planning permission.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP14, CP17, DC4, DC33, DC45, DC55, DC61 and DC69.
- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential. 7.16, Green Belt.
- 5.3 NPPF Section 6 "Delivering a wide Choice of Homes", Section 7 "Requiring Good Design" and Section 9 "Protecting Green Belt land."

6. Staff Comments

- 6.1 The issues to be considered in this case are the principle of converting the garage, the impact on the Metropolitan Green Belt and the Havering Ridge Area of Special Character, amenity issues and highway implications.

7. Principle of Development

- 7.1 The application site lies within the Metropolitan Green Belt. The proposal is for alterations to the existing garage to provide residential accommodation as an annexe to the main dwelling for the use of family members of the occupiers of the main dwelling. The National Planning Policy Framework (NPPF) states that the re-use of buildings is acceptable in the Green Belt provided that the buildings are of permanent and substantial construction. Policy DC45 states that particular care will be taken to ensure that the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt.
- 7.2 It is considered that the conversion of the garage complies with the above criteria contained in the LDF and NPPF. This is particularly because the only alterations to the garage to facilitate the conversion would not be visible except from within the site as a result of the mature hedgerow on the northern and western boundaries of the site and the orientation of the building, facing into the site. Views of the building from the nearby roads and across the fields would not see any change to the roof of the building. Furthermore, it is Staff's view that the external alterations would be sympathetic to the character and appearance of the garage.
- 7.4 The garage is in close proximity to the main dwelling, and it is considered that the proposed garage conversion to provide ancillary residential accommodation would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building in a manner which accords with guidance in the LDF and NPPF.
- 7.5 Staff are of the opinion that a separate new dwelling in this location, with its associated requirements for separate parking and amenity space, and therefore additional means of enclosure would have a greater impact on the Green Belt than a garage, and therefore would prove harmful to the openness of the Green Belt. However, members are invited to consider whether an annexe, which is ancillary to the main dwelling and therefore shares the parking area and amenity space, with no additional fencing or boundaries would have a greater impact on the Green Belt than the existing garage. If planning permission is granted than a condition removing permitted development rights, including the erection of outbuildings and fences and other boundary treatments would be imposed to ensure that the openness of the Green Belt can not be harmed. Furthermore, the proposed Section 106 legal agreement will ensure that the annexe cannot be alienated or used separately from the main dwelling.
- 7.6 DC69 requires that the special character of the Havering Ridge, including views to and from the area be protected. Staff consider that the proposal would not harm this special character as no new building would be erected, and the alterations to the garage would not be visible in the views including the building. It is considered that the change of use of the garage would

not, due to its location and design, have an adverse impact on the open character of the locality.

8. Impact on Amenity

8.1 Given the nature of the intended use it is not considered that an adverse impact to neighbours would be experienced. The location of the building is some 80 metres from the nearest residential property and is shielded by the main dwelling. To the north west, the nearest residential dwelling is over 100m away. Access to the converted garage would remain unchanged, and therefore, it is considered that the change of use would not result in a significant loss of amenity to adjacent occupiers.

8.2 The existing hedgerow to the northern, western and eastern boundaries of the site would further screen any views of the proposal and dampen noise resulting from activity within the site. It is therefore considered that there would not be any adverse impact upon the amenities of the occupiers of the neighbouring residential properties.

9. Highway/Parking issues

9.1 The conversion of the garage would result in the loss of two car parking spaces and would also require two spaces to serve the annexe. The hardstanding area has room for at least 6 cars, and therefore no parking issues arise as a result of the proposal. The Highway Authority has no objection to the proposal. Therefore the proposal raises no highways or parking issues.

10. Conclusion

10.1 It is considered that the principle of the development and the re-use of the existing garage are acceptable, as the conversion would be for an annexe to the main house and would not require additional means of enclosure or external alterations that would be visible from outside the site.

11.2 Staff consider that the alterations to the existing garage to provide an annexe would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building and by reason of its siting, and the quantity and quality of the screening. As a result of separation distances to neighbouring properties, it is considered that the proposal would not result in a significant loss of amenity to adjacent occupiers. The proposal would not create any highway issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that places an occupation restriction in respect of the garage conversion for family members of the occupiers of the main dwelling.

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 regards to Equality and Diversity issues.

BACKGROUND PAPERS

Plans and Documents submitted with the application 30th May 2012

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REGULATORY SERVICES COMMITTEE

2 August 2012

REPORT

Subject Heading:

**P0649.12 – Land adj 151 Harrow
Crescent, Harold Hill**

Report Author and contact details:

**New 3 bed house and 2 vehicle
crossings (6th June 2012)**

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for a new three bedroom house to be provided attached the existing pair of semi-detached properties No. 151 and 153 Harrow Crescent, on land which currently forms the side garden of No 151. A Section 106 Legal Agreement is required in accordance with the draft 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 £6,000 to be used towards infrastructure costs associated with the development in accordance with the draft planning obligations SPD.
- 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, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee 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 hereby permitted shall 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 - All new external finishes shall be carried out in materials to match those of the existing building(s) and before any of the development hereby permitted is commenced samples of the materials to be used shall be submitted to and agreed 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. Removal of Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place to either No.151 Harrow Crescent or the dwelling hereby permitted, under Part 1 Class A, B, C, D or E unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

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 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.

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 - Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected along the boundary with Ruskin Gardens from the rear boundary to the front building line, 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 the adjoining property, and that the development

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

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 – Prior to the occupation of the development hereby permitted a vehicular crossover shall be constructed running the entire length of the proposed off street parking area / spaces, to the satisfaction of the local planning authority.

Reason: To ensure highway safety for the travelling public.

12. 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.

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

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the National Planning Policy Framework, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

14. Contaminated Land - 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 site 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 two parts:

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

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

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the 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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

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 74m² and amounts to £1,480.

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. 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. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(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 side garden of 151 Harrow Crescent, which is a semi-detached property. The site is located on the corner of Harrow Crescent and Ruskin Gardens. The site currently consists of garden land. It has a frontage onto Harrow Crescent with a width of 8.7m. The site has a depth of 20m. An electricity sub-station is located behind the site.
- 1.2 The site has a relatively consistent ground level. The site is bounded to Ruskin Gardens by a 1.8m fence. There are no trees which would be affected by the proposed development.
- 1.3 The surrounding area is predominantly residential in character, comprising two storey semi-detached, and terraced properties.

2. Description of Proposal

- 2.1 The application seeks permission for the construction of a new three bedroom dwelling to the existing, semi-detached, 151 Harrow Crescent, resulting in a terrace of three properties.
- 2.2 In terms of appearance the proposed new dwelling would seek to replicate the donor house, with identical proportions, a mansard roof and matching materials and fenestration. The house would have an internal floor area of 74 square metres, comprising three bedrooms and a bathroom on the first floor, and a sitting room and kitchen/diner on the ground floor.
- 2.3 The dwelling would measure 6m in width and 7.1m in depth. The front gardens of the new dwelling and the donor house would each measure 6.2m deep and each would include two parking spaces. Each dwelling would have a new vehicle crossover from Harrow Crescent. The rear gardens of the new and the donor dwelling would measure 7.7m at the shortest point. Between the flank wall of the new dwelling and the flank boundary with Ruskin Gardens would be a gap of 2.6m.

3. Relevant History

- 3.1 P1294.99 – Two storey side extension – Approved but not implemented
- 3.2 P0711.99 – Two storey side extension - Refused

4. Consultations/Representations

- 4.1 Twenty neighbouring occupiers were notified of the proposal. One comment was received reporting existing parking problems and stating that the

respondent had no objections to the proposal providing that the two spaces were provided, with the crossover facing Harrow Crescent.

- 4.2 The Council's Environmental Health Service, the Borough Crime Prevention Design Advisor and the Highways Authority all advised that they had no objections to the proposals, but each requested the addition of conditions and/or informatives.

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
Draft 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.

7. Principle of Development

- 7.1 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.

8. Density and site layout:

- 8.1 The residential density range for this site is 30 - 50 units per hectare. Two dwellings on a site of 293 sqm represent a density of 68 units per hectare, above the upper end of the density range. Numerically the application falls marginally outside the recommended density requirements. However density on its own is not the only measure of the suitability of a development proposal. Higher density developments can prove acceptable where they are able to demonstrate adequate features that show that the development will not impact on neighbouring properties, will be compatible with the streetscape, and not cause amenity impacts to surrounding properties. Furthermore, the proposed density is similar to the existing density of other dwellings in this section of Harrow Road.
- 8.2 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.3 The proposal would involve separating the site into 2 separate plots. The total size of the amenity space to be provided for the new dwelling will be approximately 93 sqm. Amenity space for the donor dwelling would be reduced to approximately 50 sqm, which is consistent with other mid-terraced properties in the area.
- 8.4 The amenity space for both dwellings would be towards the rear and screened from public view by means of boundary treatments and would have access to direct sunlight as they are east facing. The amenity space to both the donor and proposed properties would be private and in a conveniently usable form. As a result, it is considered that the proposed amenity area of the new dwelling complies with the requirements of the Residential Design SPD.
- 8.5 The London Plan 2011, outlines recommended sizes for new dwellings (policy 3.5). For 3 bedroom houses it recommends a floor area of 87 sqm.

At 74 sqm, the proposal is some way below this. However, the layout is similar to the neighbouring three bedroom houses.

- 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. It is a matter of judgement for members as to whether the internal size is acceptable. Staff are of the view that the consistency of the size of the house with other three bedroom dwellings in the area, indicates that, on its own, the floor area does not offer sufficient justification for a refusal. The attractiveness of the dwelling as living accommodation would be a matter of choice for prospective occupiers.

9. Impact on local character and street scene:

- 9.1 The proposal would introduce a new dwelling house to the side of the existing premises at 151 Harrow Crescent. It would essentially form part of the Harrow Crescent and Ruskin Gardens streetscape.
- 9.2 The development of vacant corner sites creates design challenges, in that any proposal must create a suitable relationship with more than one street frontage. The balancing of the need for additional housing must not be at the expense of poor streetscape outcomes.
- 9.3 As such, consideration is required to be given to the streetscape implications of the proposal in this high profile location, to both Harrow Crescent and Ruskin Gardens. The applicants have taken into consideration the nature of the existing buildings and streetscape, and propose to integrate the new dwelling to create a terrace similar to those opposite the subject site.
- 9.4 Harrow Crescent and Ruskin Gardens consist of two storey terraced and semi-detached houses of a similar design and character. The building line along Ruskin Gardens is somewhat staggered, with certain blocks set further forward than neighbouring blocks. Side gardens to corner plots are typically generous. In the past a number of properties have taken advantage of this through the addition of two storey side extensions including 149 Harrow Crescent, on the opposite side of Ruskin Gardens.
- 9.5 When viewed from Harrow Crescent, the proposed dwelling would appear as a consistent extension of the existing pair of houses, by adopting a similar setback, proportions and facade treatment to the adjoining existing dwelling.
- 9.6 A 2.6m gap would be retained from the flank wall of the new dwelling to the side boundary with Ruskin Gardens. This gap is consistent with the gap between the flank wall of the side extension at No. 149 Harrow Crescent and will balance out this end of Ruskin Gardens. Staff consider that this gap would prevent the development from appearing cramped. The new house

would protrude beyond the front building lines of the properties on Ruskin Gardens, however, the staggered building line of Ruskin Gardens, combined with the spacing to the flank wall would prevent the dwelling from dominating the streetscene.

- 9.7 Staff consider that the dwelling would appear as an extension of the existing section of housing. In doing so it will not have a harmful effect in the streetscape, in that it will not be a building of different, height or character and will not obscure any important vistas. Whilst in a prominent position in the streetscene, the proposal is considered acceptable and will not appear overbearing in this location.

10. Impact on Amenity

- 10.1 The existing pair of semi-detached properties would be extended to the side to create the new dwelling, and the new dwelling would not protrude to the front or rear. Therefore, the new dwelling would not lead to any loss of light or overshadowing to Nos. 151 or 153 Harrow Crescent. The new dwelling would be over 11m from No. 2 Ruskin Gardens, the nearest unattached neighbour, and therefore would also not result in overshadowing or loss of light to other neighbouring properties.
- 10.2 The front and rear facing windows would have the same view as No. 151 Harrow Crescent and therefore would not lead to any loss of privacy to neighbouring properties. No first floor flank windows are proposed, and views from the ground floor flank windows would be obscured by the boundary fence.
- 10.3 As proposed, the application does not present the potential to impose a significant loss of amenity on adjoining neighbours

11. Highway/parking issues

- 11.1 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 includes 4 parking spaces, two for the new dwelling and two for the donor dwelling. Two new vehicle crossovers are proposed, and the Highway Authority has no objections to the proposals subject to the imposition of various conditions. No highway or parking issues are raised by the proposals.

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.

12.2 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 chargeable floorspace of the development once the demolition works are taken into account is approximately 74sqm, which equates to a Mayoral CIL payment of £1,480.

13.0 Key Issues/Conclusions

13.1 Staff consider that the height, siting, design and scale of the proposed dwelling is 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 not appear unduly dominant within the streetscape. Staff consider that the proposal provides suitable amenity provision for future occupiers, although this is a matter of judgement when considering the internal space provided. The development is considered to be acceptable in respect of parking and highway issues. The applicant has agreed to pay a financial contribution of £6,000 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 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 regards to Equality and Diversity issues.

BACKGROUND PAPERS

Plans and Documents submitted with the application 6th June 2012

**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 August 2012

Subject Heading:

P0624.12 – 168-174 & 182-186 South Street, Romford – Construction of an additional floor to provide 7 flats, rear external staircase, bin and cycle stores (received 16 May 2012; revised/additional plan received 13 July 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 | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This report concerns an application for the construction of an additional floor with four flats above 168-174 South Street and 3 flats above 182-186 South Street, Romford. The proposal also involves a rear staircase extension to 168-174 South Street, bin stores and cycle parking. A legal agreement is required due to the limited availability of on-street parking and as none would be provided for future residential occupiers on site and to make a contribution towards local infrastructure. Staff consider that the proposal would nonetheless accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

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:

- The Developer/Owner of the application site to covenant that all future occupiers of the proposed development save for blue badge holders are restricted from applying for residents parking permits.
- A financial contribution of £42,000 to be used towards infrastructure costs in accordance with the Draft 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, prior to completion of the agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. SC04 The development to which this permission relates must be commenced not later than three years from the date of this permission.

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

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

3. SC32 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.

4. SC58 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. 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.

5. SC59 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. SC43 The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal 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 the NPPF.

7. NSC01 The proposed balustrades to the rear (west) balconies shall be of frosted glazing to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

8. NSC02 Prior to the commencement of the development, details of 2m high boundary fencing to rear of 168-174 South Street shall be submitted to the Local Planning Authority for its approval. Once approved the fencing shall be erected in accordance with the approved plans prior to first occupation of the proposed development and retained thereafter.

Reason: In the interests of residential amenity.

9. NSC03 The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

10. NSC04 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

11. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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):

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 site 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 two parts:

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

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

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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

12. NSC05 Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. NSC63 Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy condition 12, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC37, DC55, DC60, DC61, DC62, DC63, DC70 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.

3. 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.

Mayoral CIL

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 425m² which equates to a Mayoral CIL payment of £8,500.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises the two, three-storey flanking sections of a terrace with a 4-storey central section. There are commercial units to the ground floor to both sections. Above No.s 168 – 174 South Street are offices whilst above No. 182 – 186 are residential flats. The site is within Romford Town Centre.
- 1.2 The surrounding area is a mixture of commercial and residential uses. Commercial uses are provided at ground floor level mainly fronting onto South Street with residential above. To the north, No.s 162 -166 is a 4-storey building with fifth floor accommodation and to the south is a 6-storey building at 192-196 South Street. To the rear (accessed via the central residential section) and to Regarth Road there are three and 4 storey residential blocks and 2-storey housing. The residential to the rear, known as Gibson Court, is retirement accommodation. To the opposite side of South Street are mainly 2 storey properties, most with commercial use but some in purely residential use.

2. Description of Proposal

- 2.1 The proposal is for the construction of a 4th storey to the existing 3-storey sections of the building to provide 7 additional flats. It is proposed to provide 4 flats (2, 2-bed and 2, 1-bed) above 168-174 South Street and 3 flats (3, 1-bed) above 182-186 South Street. Unlike the existing higher middle section which has a pitched roof with side parapets, the proposed floor would continue the flat roof form of the existing building and would be similar in appearance with each other.
- 2.2 The overall height of the sections of the building affected would increase from 10m to 13m which is the maximum height of the existing 4-storey

central section. The flatted sections would be attached to the central section and would be set back from the elevations by approximately 1.5m although the proposed balconies would (where provided) extend to the existing elevations.

2.3 Each section of flats would have a separate stairwell access. That to the proposed units above No.s 168-174 would be provided as a new stairwell extension at the rear of the building 1.4m deep and approximately 12m wide rising to a height of just over 10m. To the other flats the stair access would be provided internally as an extension of the staircase to the existing flats.

2.4 Each flatted section would also have separate cycle and refuse stores.

3. **History**

3.1 P1367.11 - Construction of an additional floor to provide 7 flats, rear extension to 168-174 South Street, bin and cycle stores – Withdrawn 14/11/11

4. **Consultation/Representations**

4.1 128 neighbouring occupiers were notified of the proposal. There were 8 replies objecting to the proposal on the following grounds:

- loss of/block out light
- overlooking/loss of privacy
- extra noise
- extra smell
- disruption to existing Government Office located at the application site
- poor existing sound insulation
- possible future complaints by residents against the existing Government Office
- balconies can be untidy which is an eyesore
- increase in fire risk
- loss of property values
- loss of quiet retirement lifestyle
- loss of skyline view
- overlooking of retirement flats' private garden area
- increased shadow in retirement occupiers garden
- lack of parking facilities
- the proposed entrance from Regarth Road will leave the Music Shop without their existing parking
- use of the enclosed stairwell will be very noisy
- flat dwellers could use their balconies for evening and late night parties
- loss of existing peace and quiet
- overdevelopment/overbearing
- noise and disturbance during development
- new development should not be allowed close to retirement apartments as occupiers expect a quieter environment
- the proposed development is a worry to retired neighbours

- 4.2 The Probation Service (part of the Home Office) who have an office above 168-174 South Street have written to object to the proposal on the grounds that it would cause substantial business disruption during construction as the works would be going on directly above the service's demise and because of the very poor existing sound insulation, noise pollution following development could cause the service to be unable to perform its public and professional service. Also after residential development takes place close to probation offices, complaints are often received against the Service which would be unreasonable given that the service has been established for many years as a valuable service without complaint.
- 4.3 Councillor Andrew Curtin has also written to object to the proposal on the grounds that, the proposal adjoins Gibson Court, a retirement residence and that the balconies would reduce their ability to relax and socialise in the communal garden area resulting in an unacceptable loss of residential amenity, increase in noise, smell and disturbance from use of balconies or windows/doors being left open during cooking, direct interlocking into existing accommodation, limit natural sunlight to residents' flats resulting in higher electricity bills and to the garden area, possible criminal elements using any recessed areas for criminal activity resulting in possible anti-social behaviour, builders are unlikely to be able to gain a safe way to the site to undertake the works proposed and increase in number of people causing negative impact on the quality of life of existing residents particularly when using the enclosed stairwell.
- 4.4 Thames Water has written to advise that they have no objection with regard to sewerage infrastructure.
- 4.5 The Metropolitan Police Crime Prevention Design Advisor has written to advise that the site's location is in an area of higher than average crime levels for Havering. He advises specifically that there should be a suitable gate with access control for the cycle store to 182-186 South Street. He requests the addition of a condition and informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage if permission is granted.
- 4.6 The Fire Brigade (LFEPa) indicate that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access meet 16.6 with a fire hydrant within 90m of the inlet to the fire main. These are the Building Regulations documents and a separate application would be needed.

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/servicing. Policies CP1, CP4, DC2, DC4, DC33, DC35, DC36, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, Policy ROM14 of the Romford Area Action Plan and the SPDs on Residential Design and Planning Obligations (draft) are

relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

Principle of development

- 5.2 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the Town Centre. Policy ROM14 of the Romford Area Action Plan DPD indicates that Romford will contribute to the Borough's housing target. The principle of residential development has already been established on the site and the provision of additional housing would therefore be acceptable in land-use terms. The site further falls within an area of the Romford Town Centre which, according to Policy ROM14 (Housing Supply) of the Romford Area Action Plan, is currently a low density area of the town, earmarked for higher density development. Victoria Road, South Street (south of the railway) and Regarth Avenue have been identified in Policy ROM14 as higher density redevelopment areas. The policy states that the intensification of these areas presents the opportunity to replenish the dated and poor quality buildings, provide a scale, massing and height of buildings which is more fitting for these two important entrances to Romford town centre. It is therefore considered that the proposal would be acceptable in principle.

Density/Site Layout

- 5.3 The proposal is to provide an additional 7 flats at the application site. Policy DC2 indicates that in the Central area, the density range would be 240-435 units per hectare and the preferred housing type for this area is high density living accommodation, preferably in the form of residential flats. Although part of the application site currently has commercial uses, the provision of additional living accommodation would be acceptable in principle and consistent with the above mentioned policies for this area. The subject site covers an area of approximately 0.08 hectares. There are no flats currently at No.s 168-174 South Street but at Nos. 182 – 186 there are currently 8 residential units such that the new total would be 15 residential units, resulting in a density on the site of approximately 182 units per hectare. The proposal would result in a density on the site which is below the recommended range and is therefore not considered to represent an overdevelopment of the site. Nonetheless, the acceptability of the development rests on it being of a high standard of design and layout.
- 5.4 In terms of the general layout, the set back of the proposal from the main façade of the building will aid in reducing the impact of the additional floor in terms of the visual bulk it would add to the main building. With regards to the internal layout, the drawings indicate that each flat will have as a minimum a separate bedroom, kitchen / living area and separate bathroom. The general internal layout is therefore considered to be sufficient for town centre living.
- 5.5 The London Plan indicates at Policy 3.5 (Table 3.3) that a 1 person unit should have a minimum floorspace of 37 sq.m, a 1-bed unit for 2 people should have a minimum internal floorspace of 50 sq.m and with 2-bed units

for 3 people should have a minimum space of 61 sq.m. The size of the 1-bed flats ranges from 39.1 sq.m to 52 sq.m and the 2, 2-bed flats would be 60.6 sq.m and 66.4 sq.m. 3 of the 1-bed flats would therefore be suitable for 1 person with 2 suitable for 2 people. One of the two-bed flats would be just under the minimum floorspace for 3 people with the other one being above the minimum. Staff consider in this town centre location that the flats, only accessible by stairs, would be unlikely to attract families and as such they would be of appropriate floorspaces for the likely household sizes.

- 5.6 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The scheme indicates a balcony each to flat (with the smallest at just under 7.3 sq.m being above the 5 sq.m identified by the London Plan). Staff therefore consider that this would provide an adequate level of amenity space and is appropriate to the nature and size of these units within this town centre location.

Design/Impact on Street/Garden Scene

- 5.7 The area has a mixed character in terms of design and height of buildings with Southbury Court (towards the north of the site) a modern 4-storey building and No. 192 – 198 (towards the south) a 1960s 5-storey development. Staff therefore consider the additional floor to be acceptable in principle, subject to its design.
- 5.8 The proposed refuse storage would be a small extension to the West of the building close to the Regarth Road footway. The proposed location and height would be satisfactory.
- 5.9 The proposed cycle storage would be acceptable from a secured by design viewpoint. While the provision of cycle storage is acceptable, further details could be submitted via a condition if planning permission is granted.

Impact on Amenity

- 5.10 There are existing residential occupiers to the rear (West). Three balconies would be provided to the flats facing west (rear). Due to these balconies being at 4th storey level and between 12m and 18m away from facing windows to Gibson Court, Staff consider that there would be some element of overlooking of the Gibson Court development and to a degree their communal garden area. Nonetheless, given the distances involved, that the balconies would be located at 4th storey level and within a high residential density area, such that Staff consider that providing the balconies were fitted with frosted glass balustrading, any overlooking would not be so significant as to be harmful to the adjoining occupiers' amenity. The obscure glazing could be required via a suitably-worded condition. The issue of overlooking

is a matter of judgement and Members may consider that the proposal would result in harm to residential amenity.

- 5.11 The proposed development would add a part 4th storey to an existing building. There are no buildings to the south of Gibson Court and, in particular its garden area. Given that the application site building is already 3-4-storeys high and located to the east of Gibson Court, it already has a significant impact on morning sunlight to Gibson Court. The proposal is to add a single additional storey and would also affect morning sunlight. While there would be some loss of sunlight and daylight in the morning, Staff do not consider that it would be so significant in relation to the existing level of sunlight/daylight at that time of day, that it would result in significant harm to the amenities of the existing residents.
- 5.12 Noise during construction and general everyday noise and activities associated with new residential development of this scale are not reasons to refuse planning permission. Noise insulation details would be required by a suitably-worded condition to prevent the occupiers from noise caused from outside and within the existing building and occupiers would have to decide for themselves whether the general noise levels in the locality would be acceptable for them. Any Statutory Noise nuisances arising in future would be a matter to be dealt with under the Environmental Health Acts.

Highway/Parking

- 5.13 Within this area, Policy DC2 indicates that between 0 and 1 parking space should be provided for each property. No parking spaces would be provided. Highways have requested a planning obligation (Section 106 agreement) to require prevention of the new occupiers from purchasing residential parking permits as this would be detrimental to sustainable travelling alternatives available to the town centre dwellers.
- 5.14 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

Section 106 agreement

- 5.15 It is considered that as the proposal would not provide any parking on-site that the occupiers should be restricted from applying for residents parking permits; also that the flats would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £42,000.

Mayoral CIL

- 5.16 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 425m² and amounts to which equates to a Mayoral CIL payment of £8,500.

Other Issues

- 5.17 The Secured by Design Officer indicates that crime prevention measures have been considered in the design of the proposed development in recognition of the significantly higher level of crime in this part of the Borough. He asks that there is a gated access to the proposed cycle store for 182-128 South Street and that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage and boundary treatment. He also asks if a condition can be attached in respect of landscaping, however none is proposed nor likely to be provided.

6. Conclusions

- 6.1 The proposal is for the addition of a 4th storey to provide an additional 7 flats to an existing mixed use building in the town centre. It is considered that the proposal would be acceptable in principle and that the details of the scheme are acceptable in accordance with Policy DC2, DC3, DC33, DC61 and DC72 of the LDF Core Strategy and Development Control Policies and Policy ROM14 of the Romford Area Action Plan DPD such that it would not result in any adverse impact.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

- 7.1 None

8. Legal Implications and risks:

- 8.1 A legal agreement would be needed to restrict access to residential parking permits and to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

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.