



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 13 September 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 MINUTES (Pages 1 - 22)

To approve as a correct record the minutes of the meetings of the Committee held on 19 July and 2 August 2012 and to authorise the Chairman to sign them.

5 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 23 - 88)

6 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 89 - 142)

7 SCHEDULE OF ENFORCEMENT NOTICES (Pages 143 - 154)

8 PROSECUTIONS UPDATE (Pages 155 - 156)

9 P0745.12 CORNER OF LAMBS LANE/NEW ROAD (Pages 157 - 180)

10 P0419.12 WOODVILLE WORKS (Pages 181 - 198)

11 P0585.12 65 GUBBINS LANE, HAROLD WOOD (Pages 199 - 234)

12 P0487.12 BRADLEY HOUSE, 194 RUSH GREEN ROAD (Pages 235 - 244)

13 P0913.12 HAVERING COLLEGE, ARDLEIGH GREEN CAMPUS (Pages 245 - 278)

14 P0639.12 1 & 3 CRAVEN GARDENS, HAROLD PARK (Pages 279 - 292)

15 P0859.12 3 HEATH CLOSE, ROMFORD (Pages 293 - 304)

16 P0601.12 57 NELMES CRESCENT, HAROLD HILL (Pages 305 - 312)

17 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

18 EXCLUSION OF THE PUBLIC

To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

19 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION

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

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Council Chamber - Town Hall
19 July 2012 (7.30 - 10.35 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Frederick Osborne, +Steven Kelly, +Melvin Wallace and +Damian White

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Mark Logan, Robby Misir and Garry Pain.

+Substitute Member: Councillors Steven Kelly (for Sandra Binion), David Durant (for Mark Logan), Damian White (for Robby Misir) and Melvin Wallace (for Garry Pain).

Councillors Andrew Curtin, Brian Eagling and Georgina Galpin were also present for parts of the meeting.

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

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

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

25 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Barry Tebbutt disclosed a pecuniary interest in application P0585.12. Councillor Tebbutt advised that a business customer of his adjoined the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.

Councillor Ron Ower considered that he had a predetermined view in respect of the proposal (planning reference P0412.12) for former Harold Wood Hospital – reserved matters.

26 **MINUTES**

The minutes of the meetings of the Committee held on 17 May and 7 June 2012 were agreed as a correct record and signed by the Chairman.

27 **P0493.12 - 91 WATERLOO ROAD, ROMFORD**

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

It was reported that the premises was subjected to a condition in respect of its operating hours. The condition states 'the premises shall not be used other than between the hours of 07:00 and 21:30 Mondays to Sundays and at no other time without the prior consent in writing of the Local Planning Authority'.

It was noted that 2 letters of objection and 242 letters of support had been received. The Highways Authority raised no objection to the proposal.

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

With its agreement, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the application in no way infringed on planning policy, and any concerns with respect to parking could be addressed by robust parking control measures. He urged the Committee to approve the application.

During the debate, members discussed potential noise disturbance to neighbouring residential properties emanating from the premises and visitors attending the premises early in the morning and late in the evening. Mention was also made of the nearby residential development currently under construction and the potential impact of noise disturbance on future occupiers. Staff advised that they were not aware of any noise abatement notices served on the premises, and in any event, a noise condition had been recommended in the event that permission was granted.

The report recommended that planning permission be granted however, following a motion, it was **RESOLVED** that planning permission be granted for a temporary 3 year period with the varying condition 4 of planning permission reference P1285.06 and otherwise subject to the conditions set out in the report.

The vote for the motion to grant temporary planning permission was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting. The resolution to grant planning permission for a temporary 3 year period was passed unanimously.

28 **P1347.11 - 49 WARWICK ROAD, RAINHAM**

The proposal before members was an outline application for the demolition of the existing industrial unit and the erection of a 1-2 storey building with accommodation in the roof space comprising 6 flats with 10 parking spaces, cycle store, bin store and amenity space.

It was noted that 13 letters of representation had been received along with comments from 4 statutory consultees.

It was reported that the proposal was liable for a Mayoral Community Infrastructure Levy (CIL) of £5050.

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

With its agreement, Councillor Jeffrey Tucker addressed the Committee. Councillor Tucker remarked that the revised plans submitted by the applicant were of little material difference to an application previously refused by the Committee. He commented that the proposal was overbearing, resulting in a visually obtrusive development in the street scene to the detriment of neighbouring amenity. He urged the Committee to refuse the application.

In response to comments made by members concerning proprietary issues, the committee's legal advisor explained that such matters were not material planning considerations and as such should not feature as part of the decision-making process.

A member remarked that the application accorded with the Council's planning policies and on his interpretation of the material planning considerations he could not see a basis to support refusal. An opposing view was offered by other members who remarked that there was no significant difference between this scheme and a previously refused scheme.

The report recommended that planning permission be granted however, following a motion, it was **RESOLVED** that planning permission be refused on the grounds that the proposed building's excessive bulk and overbearing form would harm the character and appearance of the street scene.

The vote for the motion and resolution to refuse planning permission was passed by 6 votes to 3 with 1 abstention. Councillors Brace, Kelly and Osborne voted against the motion to refuse planning permission. Councillor Pain abstained from voting. The resolution to refuse planning permission

was passed by 6 votes to 3 with 1 abstention. Councillors Brace, Kelly and Osborne voted against the resolution to refuse planning permission. Councillor Pain abstained from voting.

29 **P0427.12 - 28 HARROW DRIVE, HORNCHURCH**

The report detailed an application for a single storey front extension and single and two storey rear extensions.

It was noted that 2 letters of representation had been received along with comments from a local ward councillor.

The application has been called-in for consideration by the Committee by Councillor Georgina Galpin on the grounds that the proposal would create un-neighbourliness and street scene issues.

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

With its agreement, Councillor Georgina Galpin addressed the Committee. Councillor Galpin commented that the submitted revised plans showed little noticeable difference to the plans which were refused planning permission previously. In her view, the proposal was out of character in the street scene and adversely impacted upon neighbouring amenity. She requested the Committee refuse the application.

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

The resolution was passed by 6 votes to 5. Councillors Durant, Hawthorn, Osborne, Ower and White voted against the resolution to grant planning permission.

30 **P0501.12 - 10 PRINCES ROAD, ROMFORD**

The application was for a two storey side extension and part single, part two storey rear extension.

It was noted that 13 letters of representation, along with comments from a local ward councillor had been received.

The application had been called-in for consideration by the Committee by Councillor Andrew Curtin on the grounds that there were issues relating to the quality of living space which would be created by the proposal.

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

With its agreement, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the proposal would result in a loss of

existing parking provision resulting in overspill parking. He added that the increased living space would create additional noise, disturbance and loss of light to the detriment of neighbouring amenity, and the proposal itself was excessively bulky and would be overly dominant in the street scene.

The Committee discussed matters relating to car parking, design of the proposals and the likely impact on neighbouring amenity.

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

The vote for the resolution to grant planning permission was passed by 8 votes to 3. Councillors Hawthorn, Durant and Ower voted against the resolution to grant planning permission.

31 **P0259.11 - 22 LAMSON ROAD, RAINHAM**

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

The site was located on land designated as a Strategic Industrial Location in the Local Development Framework (LDF) and within the London Riverside Business Improvement District.

The site had previously been in use for B8 purposes along with hardstanding areas for the parking and manoeuvring of vehicles.

It was noted that 2 letters of representation had been received along with comments from 7 statutory and non-statutory consultees, including a late response from the Greater London Authority.

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

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report and an additional reason that no evidence had been demonstrated justifying why closer sites could not be used to handle this non-apportioned waste.

32 **P0585.12 - LAND AT NO. 65 GUBBINS LANE, HAROLD WOOD**

This planning application proposed the demolition of two existing workshop buildings and its replacement with 16 residential units in two blocks, accompanied by a parking area, private and communal amenity spaces, a refuse store, and cycle storage. Two of the proposed units would be equipped for disabled use.

Vehicular access would be through the existing access onto Gubbins Lane and a separate pedestrian access located at the south eastern corner of the site would also provide access from Gubbins Lane. 16 car parking spaces were proposed along with a visitor/deliveries space.

The 16 units would comprise five 1-bed flats, nine 2-bed flats, and two 3-bed houses. The main elevations of the two blocks would face in an east-west direction. The western-most block, towards the rear of the site, would be two storeys in height with two 3-bed houses at its southern end, and four flats at its northern end. Private gardens would be located to the rear, or west of this block, relating to the two houses and the two ground floor flats. The two first floor flats would include balconies.

The eastern-most block, which would front onto Gubbins Lane, would be three to four storeys in height with three flats on each of the first three floors, and one flat on the fourth floor, located at the southern end of the block. Amenity spaces would be provided in relation to the ground floor flats between the eastern elevation and the boundary with Gubbins Lane. Balconies would be provided in relation to the upper storey flats.

It was noted that three letters of representation had been received along with comments from nine statutory and non-statutory consultees.

With its agreement, Councillor Brian Eagling addressed the Committee. Councillor Eagling explained that Gubbins Lane suffered from parking congestion and experienced significant traffic movements; by adding an additional development this would merely exacerbate the situation. He added that the local transport infrastructure would come under significant pressure from the nearby residential development currently under construction; this proposal would add to that. In his view, the development would be overly dominant in the street scene to the detriment of neighbouring amenity. He urged the Committee to refuse the application.

During the debate, there were contrasting views expressed with regards to the design of the proposed development and whether it would appear overly dominant in the street scene due to concerns over mass and bulk.

A motion was proposed that planning permission be refused on the grounds that the proposal would be out of keeping in the street scene due to mass and bulk, but that motion was lost by 4 votes to 6. Councillors Durant, Hawthorn, McGeary and Ower voted for the motion to refuse planning permission.

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

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

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

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

The vote for the resolution to grant planning permission was passed by 6 votes to 4. Councillors Durant, Hawthorn, McGeary and Ower voted for the resolution to refuse planning permission.

33 **P0576.12 - LAND AT BOTTOM OF GARDEN AT 125 & 127 HAVERING ROAD, ROMFORD**

The Committee considered the application for the demolition of the outbuildings currently on the site and the erection of a pair of semi-detached houses. It noted that 9 letters of representation had been received.

It was reported that the proposed development would be liable for the Mayor's Community Infrastructure Levy (CIL), the amount being £3800.

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

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

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report with an additional condition restricting permitted development rights.

34 **P0463.12 - 203 CROW LANE ROMFORD**

The Committee considered the report for the proposed conversion of the existing vacant shop into a one bedroom flat including a change of use from a shop to residential.

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

- A financial contribution of £6,000 to be used towards infrastructure costs.

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

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

The vote for the resolution to grant planning permission was passed by 10 votes to nil with 1 abstention. Councillor Tebbutt abstained from voting.

35 P0452.12 - 12 ABERCROMBIE HOUSE HAROLD HILL

The Committee considered the report which detailed an application for the levelling out of an area to provide a car park with new vehicular access.

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

36 P0412.12 - FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD

The Committee considered the report and without debate **RESOLVED** that the reserved matters permission be granted subject to the conditions as set out in the report and with a minor correction to paragraph 2.1 of the report - 30 to be deleted in the fifth line and replaced with 42.

The vote for the resolution to grant reserved matters was passed by 9 votes to nil with 1 abstention. Councillor McGeary abstained from voting.

37 P0451.12 - INDUSTRIAL BUILDING ADJACENT TO FRANKS FARMHOUSE, FRANKS FARM, ST. MARY'S LANE, UPMINSTER

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

38 PLANNING CONTRAVENTION - 72 CROW LANE

Members were informed that in February 2012, the Planning Enforcement service received a complaint that 2 outbuildings to the rear of the property at 72 Crow Lane had been converted for use as independent residential living

accommodation. The first outbuilding was a wooden structure, and directly behind was a second concrete outbuilding. Each outbuilding was rented out by persons separate to the occupation of the main property at 72 Crow Lane and the use of the outbuildings was independent from the main property at 72 Crow Lane.

It was noted that the outbuildings had been sectioned off from the main garden with access via the rear garden. This unauthorised use was considered to be an unacceptable intensification of the land and therefore it was requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

It was **RESOLVED** that the Committee considered it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the notice:

- Cease using the outbuildings for residential purposes.
- Remove from the outbuildings all fixtures and fittings associated with their unauthorised use for residential purposes.

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

The vote for the resolution to serve enforcement notices was passed by 10 votes to nil with 1 abstention. Councillor Tebbutt abstained from voting.

39 **PLANNING CONTRAVENTION - ASHLEA VIEW, TOMKYNS LANE**

This report concerned an unauthorised metal gate and close boarded wooden fence within the Metropolitan Green Belt. The development did not benefit from planning permission. It was considered that the development was inappropriate in the Green Belt and would detrimentally impact on the openness, character and visual amenities of the Green Belt. There were no other material considerations that would clearly outweigh the harm resulting from these issues and thus justify the development on the basis of very special circumstances.

It was **RESOLVED** that the committee considered it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

1. Remove the unauthorised metal gates and wooden close boarded fence;
2. Remove all resultant debris associated with the removal of the unauthorised gate and fencing from the premises;

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

40 **PLANNING CONTRAVENTION - 624 UPPER BRENTWOOD ROAD, ROMFORD**

The report concerned a retail shop in a parade at the junction of Upper Brentwood Road and Main Road. The shop had lawful Class A1 (retail) use. It was alleged that without planning permission a sales stall had been placed on the property forecourt. Although temporary and movable in appearance the stall required planning permission given that it had never been moved and therefore must be regarded as permanent. It had recently been found that the shop had ceased trading and closed but the unauthorised stall remained in place. The permanent placing of a stall in this location detracts from the visual amenity of the area and street scene. Given the lack of assistance and progress in this investigation it was requested that authority be given to issue and serve an Enforcement Notice to seek to remedy this breach.

It was **RESOLVED** that the committee considered it expedient that an Enforcement Notice be issued and served to require, by 1 month:

- Remove the unauthorised structure from the shop forecourt.

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

41 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman

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Public Document Pack

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
2 August 2012 (7.30 - 8.25 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, +Wendy Brice-Thompson, +Steven Kelly and +Pam Light

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Sandra Binion, Mark Logan, Garry Pain and Barry Tebbutt.

+ Substitute Member: Councillors Wendy Brice-Thompson (for Sandra Binion), David Durant (for Mark Logan), Pam Light (for Garry Pain) and Steven Kelly (for Barry Tebbutt)

Councillors Andrew Curtin and Linda Van den Hende were also present for parts of the meeting.

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

There were no disclosures of pecuniary interest.

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

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

42 P0598.12 - 223-225 ST MARY'S LANE, UPMINSTER

The proposal was an outline application for the erection of a 40-bed residential care home for the elderly. The proposal was in outline form only with access, appearance, layout and scale to be determined. Landscaping was reserved for future consideration.

The proposed building would comprise of 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, resident lounges, assisted bathrooms, cinema, staff training room and roof garden. 11 parking spaces would be provided as part of the proposal.

16 letters of representation had been received along with comments from 3 statutory and non-statutory consultees.

A Mayoral Community Infrastructure Levy (CIL) payment of £44,052 was liable for the proposed development.

With the Chairman’s agreement, Councillor Linda Van Den Hende addressed the Committee. Councillor Van Den Hende commented that there was significant local public support for the scheme and that Council staff’s only objection to the scheme was on the basis of design, not the principle of development. In her view, the design would enhance the appearance of the street scene and was considerably more attractive than a nearby development which was contemporary in its design and looked out of keeping in the street scene. She urged the Committee to approve the application.

During the debate, members discussed matters concerning the design of the proposed development, specifically whether it would improve the appearance of the street scene. A discussion also took place in respect of the massing and scale of the proposal and whether it would overly dominant in the street scene to the detriment of neighbouring amenity, and whether there was sufficient parking provision included as part of the proposals.

A motion was proposed that planning permission be granted on the basis that the proposal would not be overly dominant in the street scene; it was well served by local public transport and there was sufficient nearby car parking. That motion was lost by 2 votes to 9. Councillors Hawthorn and Ower voted for the motion to grant planning permission.

It was **RESOLVED** that planning permission be refused for the reasons as set out in the report. The vote for the resolution to refuse planning permission was passed by 9 votes to 2. Councillors Ower and Hawthorn voted against the resolution to refuse planning permission.

43 **P0624.12 - 168/174 & 182/186 SOUTH STREET, ROMFORD**

The proposal was for the construction of an additional storey to the existing 3-storey sections of the building to provide 7 additional flats. It was 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. Each flatted section would also have separate cycle and refuse stores.

It was noted that 8 letters of representation had been received along with comments from a local ward councillor, and comments from 4 statutory and non-statutory consultees.

A Mayoral CIL payment of £8500 would be liable for the proposed development should permission be granted.

With the agreement of the Chairman, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the proposed development would have a detrimental effect on neighbouring amenity, particularly for the elderly residents who lived in nearby Gibson Court, through loss of daylight and privacy. He referred to Policy ROM14 of the Romford Area Action Plan which sought to improve the character of the area; in his view, this application detracted from that aspiration. Councillor Curtin urged the Committee to refuse the application.

Members voiced their disapproval at the proposal with comments concerning its overbearing impact on adjoining occupiers and the loss of amenity they would suffer as a consequence. Members commented that the proposal was of a poor design and would be visually intrusive, detracting from the street scene.

The report recommended that planning permission be granted, however following a motion it was **RESOLVED** that planning permission be refused on the grounds that the proposal was of poor quality design, detracting from the street scene resulting adverse impact on outlook, privacy and living conditions of residents of Gibson Court, and the overlooking of the communal external amenity area within Gibson Court.

44 **P0547.12 - 25 STATION PARADE, ELM PARK, HORNBURCH**

The report before members detailed a proposal for a change of use from A1 to a nail bar/beauty salon. It was reported that there would be one employee and that the opening hours would be 9am to 7pm Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays.

10 letters of representation had been received.

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

Following a comment by the objector, members were reminded that competition was not a material planning consideration.

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

The vote for the resolution to grant planning permission was passed by 9 votes to 2. Councillors Durant and Taylor voted against the resolution to grant planning permission.

45 **P0558.12 - LAND WEST OF FAIRVIEW INDUSTRIAL ESTATE**

The Committee considered a report detailing the application for the construction of a sustainable energy facility comprising the erection and operation of a gasification/power generation plant with associated buildings, plant and infrastructure.

It was reported that conditions 4 to 7 of the report were to be replaced and reworded to reflect Environment Agency recommendations in their letter dated 1 August 2012. In addition, the Section 106 legal agreement was to include an additional requirement for a lorry routing plan so that primary approaches to the site were from the M25/A13 and lorries were not to be routed through Rainham Village during the construction and operation of the development.

It was **RESOLVED** that subject to:

- the expiration of the consultation period on 3 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

The Committee delegated 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 were raised, then the matter would be remitted back to Regulatory Services Committee for its further consideration and resolution.

The Committee noted that the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) of £18,800.

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

- 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 as set out in the report but with the replacement and rewording of conditions 4 to 7 of the report to reflect Environment Agency recommendations; and the legal agreement

was to include an additional requirement for a lorry routing plan so that primary approaches to the site were from the M25/A13 and lorries were not to be routed through Rainham Village during the construction and operation of the development.

In the event that the Section 106 agreement was not signed and completed by the expiry of this application's determination date on 30 August 2012, 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.

46 **L0002.12 - BRETONS SOCIAL CLUB, THE MANOR HOUSE**

The Committee considered the report and, without debate, **RESOLVED** to delegate to the Head of Development and Building Control authority to grant Listed Building Consent subject to the conditions as set out in the 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 would be remitted back to Regulatory Services Committee for its further consideration.

47 **P0554.12 - FORMER COMMUNITY HALL, NELSON ROAD, RAINHAM**

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

- A financial contribution of £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.

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

48 **P0539.12 - FORMER DUCKWOOD PUBLIC HOUSE, 59 WHITCHURCH ROAD, HAROLD HILL**

The Committee considered the report and, without debate, **RESOLVED** that the proposal was 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.

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

49 **P0685.12 - FERNDALE, 1 PATERNOSTER ROW**

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

- 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.

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

The vote for the resolution to grant planning permission was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

50 **P0649.12 - LAND ADJ 151 HARROW CRESCENT, HAROLD HILL**

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

- A financial contribution of £6,000 to be used towards infrastructure costs 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.

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

Chairman

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REGULATORY SERVICES COMMITTEE

13 SEPTEMBER 2012

REPORT

Subject Heading:

Planning obligations and agreements
(as of the last 6 years)

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685

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

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

SUMMARY

This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2012.

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
 - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
 - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2012 in the attached table.

IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements usually have either a direct or indirect financial implication.

Legal implications and risks: Significant legal resources are necessary to enable the Council to negotiate and complete legal agreements within the Government's timescale. Monitoring fees obtained as part of completed legal agreements have been used to fund a Planning Lawyer working within the Legal Department and located in the Planning office. This has had a significant impact on the Service's ability to determine the great majority of planning applications within the statutory time periods through the speedy completion of all but the most complex legal agreements.

Human Resources implications and risks: The effective monitoring of legal agreements has HR implications. These are being addressed separately through the Planning Service Improvement Strategy.

Equalities implications and risks: Planning Control functions are carried out in a way which takes account of equalities and diversity.

BACKGROUND PAPERS

See attached S106 Agreements – 2000-2012

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S106 AGREEMENTS – 2000-2012

1. CONTRIBUTIONS IDENTIFIED AS NOT PAID / PART PAID

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
P1716.05	61a Main Road, Romford	£68,744 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any of the dwelling units	Completed - Developers being chased for payment. Payment imminent. Developers have various property assets for sale and will pay the outstanding contribution upon completion of the sales. They are in regular contact and constantly update on progress. Developer has now been made bankrupt and we	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
					will be pursuing the outstanding contribution through the Administrator. Now registered with the Administrator as a creditor. Company sold the freehold of the building before being made bankrupt so now pursuing new freehold owner.	
P2106.05	10-14 Western Road, Romford	21 AH Units for shared ownership £102,028 Education Contribution £10,000 Highways Contribution £10,000 Public Art Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	AH to be provided prior to occupation of 21st open market unit Financial Contributions to be paid prior to occupation of the last 19 open market units	Developer is now in Administration. Affordable housing and public art provision have both been provided. Administrators are negotiating with the Head of Legal Services regarding	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
		Travel Plan		Travel Plan to be submitted for approval prior to commencement of the development and to be fully implemented prior to occupation	outstanding education contribution and highways contribution. Negotiations still ongoing with the Administrator who has indicated that the full amount will be paid upon the sale of the freehold of the building. Purchase now going through and hopefully outstanding sum will be paid upon completion of the sale which should be by the end of this year. Sale still proceeding but not yet completed.	
P1440.97	Helen Road	£43,000 New Football	2 years from	To be paid within 3	Investigations	

Planning Ref.	Address	Amount Outstanding	Time Limit on Spending	Trigger Date/s	Position/Status of development	How the funds are being used/where in the Capital Programme?
<p>P0907.98 <u>P0203.00</u> Granted on appeal</p>	<p>Sports Ground, Squirrels Heath Lane, Gidea Park</p>	<p>Facilities</p>	<p>date of payment</p>	<p>months of Council serving notice requesting the payment. Such a request to be made within 5 years from when the use of the development commences</p>	<p>ongoing as to whether this contribution has been received.</p>	
<p>P1717.09</p>	<p>The Atrium, The Brewery,</p>	<p>Town Centre Improvement Contribution - £37,000</p> <p>Perform the agreed local labour provisions contained in Schedule 3 of S106</p>	<p>7 years from receipt (Can be extended if contract entered into)</p> <p>N/A</p>	<p>Prior to commencement of development</p> <p>Upon commencement of the development</p>	<p>The owners have not paid this contribution due to an oversight. Now that they have been chased payment will be imminent. Revised sum to pay which includes indexation has been given to the owners. Payment should be made very soon.</p>	

						How the funds are being used/where in the Capital Programme?
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2. CONTRIBUTIONS IDENTIFIED AS PAID

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1664.01	274-310 Havering Road, Romford	£167,126.85 Education	Return due 3 years from date of 2 nd contribution	2 nd instalment due prior to occupation of 12 th house	2 nd instalment of £83,564.42 received on 16.08.04. replacement first cheque received on 16.01.06 (£83,563)	spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0936.00	Land at Roneo Corner (B&Q)	£450,000 (Town Centre) £15,000 (Public	TC contribution to be spent within 5 years from date of payment No time limit on	Prior to commencement of trading	£465,000 paid on 21.10.02 & £17,660.70 paid on 04.11.02 (indexation)	spent No time limit	Town centre contribution to spent by Regeneration on TC improvements SP

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Art)	public art contribution			on spend	
P1160.00	Frances Bardsley Lower School Site, Heath Park Road	£120,000 x 2 Education	If not spent to be returned 3 years from date received	First contribution of £120,000 to be received upon occupation of 38th Market Dwelling Second contribution to be received upon occupation of 73 rd market dwelling	First contribution of £120,000 received on 08.06.05. Second contribution received 01.11.05	spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P2167.02	Tesco Roneo Corner, Hornchurch	£50,000 Town Centre Contribution £5,000 Traffic Regulation Scheme Contribution	To be repaid within 4 years if not spent	Prior to opening date.	Payment received on 27.09.04	spent	£50,000 spent by Regeneration on District Centre Improvements (Elm Park) in 05/06 MB
P1263.02	438 Upper	£16,207	To be repaid if	Before the first	Payment	spent	Education -

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Brentwood Road (aka Elvet Avenue Coathanger site)	Education. 15 units for AH	unspent 4 years from date of payment (if contract entered into extended)	occupation of any of the units AH to be provided prior to occupation of 40 th open unit	received on 03.12.04		proposed investment in additional places / modernisation at Redden Court secondary school AH units received
P0326.03	60 - 62 Essex Road, Romford	£30,000 Housing Contribution 7 AH units for Rent	To be repaid if not spent within 4 years	Prior to occupation of 17th dwelling	Payment received on 03.12.04	spent	SS
P1768.00	Tesco's Gallows Corner – extension of existing store	£100,000 Town Centre Contribution; £25,000 pedestrian crossing; £30,000	TC contribution to be repaid with interest 4 years from date of payment. Pedestrian, bus	All contributions due prior to opening date. Pedestrian access from opening date;	£165,000 received on 28.12.05. Green Travel Plan position to be reviewed.	28.12.08 (pedestrian and bus contribution) Unable to spend as no longer	Regeneration leading: £75,000 of the Town Centre Contribution to be spent on Harold Wood.

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Toucan crossing; £10,000 Bus Infrastructure Contribution; Green Travel Plan; pedestrian access; roundabout works following s278 agreement	and Toucan contribution to repaid 3 years from date of payment.	GTP by 31.12.02 or 2 months prior to Opening Date		Havering's network. Currently in negotiation with Tesco re – spending the money on alternative initiative. Toucan Crossing contribution spent 28.12.09 (TC contribution) Spent	£25,000 as yet unallocated. MB Pedestrian access and roundabout works completed.
P1811.02	140 London Road, Romford	£81,000.92 Education; 12 units of AH	Spend within 3 years from date of payment	Before the disposal of 30 open market units	£81,000.92 received on 16.01.06	spent	Education - proposed investment in additional

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
				AH prior to disposal /lease/ rental of 56th Market Residential Unit			places / modernisation at Redden Court secondary school 12 Affordable Housing units received.
P0860.03	Transferry House and Former Brent Works, Wiltshire Avenue	£47,143 Education Contribution 11 AH units Landscape management plan	Council to spend within 5 years of date of implementation (06.02.04)	Prior to disposal of 30th Open Market Apartment. To notify Council on disposal of 25th and 30th Open Market Apartment. AH prior to occupation of 20 th open market dwelling	Paid 21.04.06	spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school AH received
P1853.03	Abbs Cross	£21,440	If unspent after	Not to occupy	Paid on	spent	Education -

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	School	Education 8 AH units	4 years from date of payment to be repaid + interest (extend if contract entered) on demand	dwelling until payment received AH units to be transferred prior to occupation of 12 th open market dwelling	31.03.05		proposed investment in additional places / modernisation at Redden Court secondary school Affordable Housing provided
P1083.02	Lister Avenue/Harold Wood Hospital site	£124,669.53 Education; Affordable Housing (12 units for rent); Highway agreement; £5,000 towards Whiteland's Way Pelican Crossing; Open Space	Spend contributions within 3 years from date of payment	Education Contribution to be paid and highway agreement to be entered into prior to commencement of development. Social Housing to be transferred before occupation of the 49 th open	Paid on 22.05.06	22.05.09 – spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school Affordable

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Scheme		market unit Open Space Scheme to be set up before the disposal or occupation of any of the dwelling units			Housing units received. £5,000: MB/DS
P2014.02	Land at Cornlands Farm, Hall Lane, Upminster (No 2)	£39,372.00 Education £300,000 Housing Contribution	Repay within 5 years if not spent	Upon commencement of Development	Paid on 02.07.04	spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school SS
P0857.03	150 Church Road, Harold Wood	£28,285.88 Education	5 years from date of payment	Within 28 days of the first Occupation of a dwelling	£29,027.92 paid on 27.09.04	27.09.09 – spent	Education - proposed investment in additional places /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							modernisation at Redden Court secondary school
P1654.03	63 Main Road Rainham	£14,142.94 Education	Repay any unspent amount 5 years from date payment made.	Prior to commencement of development	Paid on 27.09.04	27.09.09 – spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P1626.99	Railstore Site, Elvet Avenue, Hornchurch	£102, 000 Education 34 AH units	Any unspent on 5th anniversary of date of payment to be repaid	Upon Commencement of Development	Paid on 03.12.04	03.12.09 – spent.	Education - proposed investment in additional places / modernisation at Redden Court secondary school

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							AH provided
P0098.03	Land at Brooklands Close, Romford	£69,307 Housing Contribution	Money must be spent by 5th anniversary of payment date for payback.	Prior to commencement of proposed development	£69,307.47 paid on 02.03.05	02.03.10 Spent	SS
P1159.03	Land to South of Appleton Way, Hornchurch	£6,285.75 Education	Any unpaid amounts to be repaid on 5 year anniversary.	Before commencement of proposed development	Paid on 05.05.05	05.05.10 Spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0352.05	Appleton Way, Land r/o 34 Station Way, Hornchurch	£7,268 Education	5 years from date of payment (entered if contract entered into)	Prior to commencement of development	Paid £7,267.87 on 29.06.05	29.06.10 Spent	Education - proposed investment in additional places / modernisation at Redden Court

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							secondary school
P1157.03	21-23 North Street, Romford	£25,143 Education Contribution £20,000 Environmental contribution.	To spend within 5 years from date of payment To spend within 3 years from date of payment	Prior to occupation of 10 th residential unit Prior to first occupation of 18 th residential unit	Education contribution of £26,933 received on 12.04.07 Environmental Contribution received on 23.07.07	12.04.12 & 23.07.10 Spent	Environmental contribution to be spent as part of Regeneration capital programme for Romford TC. £10K being spent on North Street works (Feb 09)
P1462.04	105-127 Essex Road & 16-178 Marlborough Road, Romford	£23,529 Education	5 years from date of payment (entered if contract entered into)	Prior to commencement of development	Paid £23,529.18 on 01.08.05	01.08.10 Spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0196.05	Gobions	1. £500,000	To be spent 5	1. to be paid in	£125,000 &	07.09.10 -	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	School, Havering Road	Education 2. £690 traffic management order costs 3. £4,310 Highways Contribution 4. 24 units of affordable housing	years from date of payment (extend if contract entered into)	stages: (1) £125,000 prior to commencement of the development, (2) £125,000 prior to occupation of 35th open market unit, (3) £125,000 prior to occupation of 70th open market unit (4) £125,000 prior to occupation of the last open market unit 2. prior to occupation of any of the open market units 3. prior to commencement of development	£4,310 paid on 05.09.05 £690 paid £125,000 paid on 07.09.07 £125,000 paid on 23.10.07 £125,000 still outstanding but not yet triggered	Spent £4,310 - spent £690 - spent 07.09.12 23.10.12	MB MB AH delivered Education - proposed investment in additional places / modernisation at Redden Court secondary school
P2192.02	152-162	£27,783.02	Any unspent on	Prior to	£27,783.02	08.12.10 -	Education -

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	London Road, Romford	Education	5 th anniversary of payment to be returned	commencement of development	received on 08.12.05.	Spent	proposed investment in additional places / modernisation at Redden Court secondary school
P1730.05	129 Essex Road, Romford	£23,607 Education Contribution	To be spent within 5 years from date of payment (can be extended if contract entered into)	Prior to commencement of development	Paid on 20.12.05.	16.12.10 - Spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P1185.04	Ferry Lane, Rainham	£99,000 Education Contribution £3,500 Highways	To be spent 5 years from date of payment (extended if contract entered into)	Prior to occupation of any Dwellings Before occupation of more than 18	Paid on 19.01.06	19.01.11 - Spent	Education - proposed investment in additional places / modernisation

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		contribution 16 AH units		of the dwelling units (excl AH units)		£3,500 highways contribution spent.	at Redden Court secondary school AH delivered £3,500: MB
P1514.03	Avon House, Front Lane/Avon Road, Cranham	£15,714 Education Contribution	5 year payback from date of payment	Before sale, let, lease or other disposal of 7th residential Unit	Paid on 31.01.06	31.01.11 - Spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P2311.04	329 Front Lane, Cranham	£65,410.81, Education Contribution	To be spent within 5 years from date of payment (can be extended if contract entered into)	Prior to commencement of development	Paid on 24.11.06	24.11.11 - Spent	Education - proposed investment in additional places / modernisation at Redden

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							Court secondary school
P0011.03	Dolphin site, Dolphin Approach, Romford - deed of variation	£65,000 Variable Messaging Signs Contribution	any unexpended sum together with interest to be returned if not spent within 5 years of receipt	to be paid in 2 equal instalments: (1) to be paid within 21 working days of receipt of a written request from the Council (2) within 21 days of receipt of a written request from the Council further to the letting of an approved contract for the system	First instalment received on 20.02.07 Second instalment received on 02.07.07	20.02.12 & 02.07.12 spent	VMS completed Spring 2007. Money spent.
P0416.05	145-149 North Street, Romford	£191,417 Education Contribution 17 AH units for rent or 27 AH units for shared	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of any market units Prior to occupation of more than 50% of	Paid on 06.03.07 AH received	06.03.12 Spent	Education - proposed investment in additional places / modernisation at Redden

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		o/ship + contribution of £74,074 s.278 agreement		the market units			Court secondary school
P1135.03	Interwood Site, Stafford Avenue, Hornchurch	£72,679 Education Contribution	To be spent 5 years from date of payment (extended if contract entered into)	prior to occupation of any dwelling	Paid on 20.03.07	20.03.12 Spent	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0063.05	Haynes Park Court, Slewins Lane	£32,814.39 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to commencement of development	Paid on 21.08.07	21.08.12 - Spent	
P0929.04	Land at end of Brooklands	£32,869.86 Education	To be spent within 5 years	prior to occupation of any	Paid on 21.08.07	21.08.12 - Spent	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Road, Romford	Contribution Lay out Hard Court Area and Play Areas	from date of payment (extended if contract entered into)	of the dwelling units			
P0977.04	1 Suttons Lane, Hornchurch	£21,876.26 Education Contribution s.278 agreement	To be repaid if unspent within 5 years of date of payment (extended if contract entered into)	Before occupation of any of the dwellings	Paid on 03.09.07	09.09.12 - Spent	
P2099.04	Land at Rainham Quarry, Warwick Lane - deed of variation	£5,000 Highway Contribution for maintenance and upkeep of Launders Lane	must refund any money unutilised as at 30.09.2012 to the Owner within 4 weeks of that date	Contribution to be paid promptly following the execution of the agreement	Paid on 20.12.06	30.09.2012	BW
P1285.06	91 Waterloo Road, Romford - unilateral undertaking	£11,000 Guardrail fencing Contribution	To be spent 7 years from date of payment (extend if contract entered into)	prior to the commencement of the development	01.03.07	01.03.14	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P0716.06	Rear of 105 and 113 Essex Road, Romford – unilateral undertaking	£19,053.00 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development	13.04.07	13.04.14	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P2421.06	Rear of 97-103 Essex Road, Romford - unilateral undertaking	£7,000 Highway Contribution £36,618 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	13.04.07	13.04.14	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0960.06	Hollywood, Atlanta Boulevard, Romford	£242,532.74 Education Contribution £5,000 CCTV	To be spent within 7 years from date of payment (can be extended if	Prior to the commencement of the development	17.04.07	13.04.14	Education - proposed investment in additional places /

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		contribution £5,000 River Rom Study Payment 49 Affordable Housing units construct riverside access strip and make available to public Travel Plan	contract entered into)	before the occupation of the 25th open market unit			modernisation at Redden Court secondary school River Rom study payment will contribute to Regeneration led study associated with Rom through TC
P2350.05	54 Butts Green Road, Hornchurch (unilateral undertaking)	£31,670 Education Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to commencement of development	Received on 15.08.07	15.08.14	
P1188.06	16 Marks Road/31-33	£27,795 Education	To be spent within 7 years	prior to occupation of any	Received on 20.08.07	20.08.14	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Mawney Road, Romford	Contribution Affordable Housing (9 units) Give the Council at least 1 weeks notice of the intended date of commencement of the development	from date of payment (can be extended if contract entered into)	of the open market units units to be transferred to RSL and ready for occupation prior to the occupation of the 9th open market unit			
P0645.05	353-357 South Street & 2 Clydesdale Road	£20,000 Pedestrian Crossing Contribution	10 years from date of receipt	upon commencement of development	Paid on 05.10.06	05.10.16	MB
P0197.03	Frog Island Site, Ferry Lane, Rainham	£50,000 Walkway Contribution £100,000 Public Transport	Council has 15 years to spend this sum from date of payment	Before plant opens	Environment Contribution paid on 11.07.06	11.07.21 & 25.09.21	Regeneration leading on Walkway and environment contributions. Later

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Contribution £100,000 Environment Contribution Green Travel Plan			Walkway and transport contribution on 25.09.06		committed to Gateway Roundabouts landscaping and Rainham Paths project
P2303.04	223-241 Hillrise Road, Collier Row	£60,000 Play Area Contribution (virement from Housing to Leisure) 29 AH units for rent	To be spent 5 years from date of payment (extend if contract entered into)	Prior to occupation of first dwelling unit	Available to spend AH received	-	SP
P0012.05	Hotel Site Markets Link , Romford (Junction of Market Link & Ducking Stool	£16,351.73 Education Contribution 4 AH units £15,000 Environmental	No time limit specified	Prior to occupation of first dwelling unit	Paid on 20.09.06	No time limit on spend	Education - proposed investment in additional places / modernisation at Redden Court

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Contribution					secondary school Environmental contribution originally for Phase 2 of Church path improvements led by Regeneration £15,000: MB
P1983.04 granted on appeal	117 Butts Green Road, Hornchurch	£34,637.41 Education Contribution	No time limit specified	prior to occupation of any part of the development	Paid on 08.11.06	No time limit on spend	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P1714.02	Brightblades, 29 Oldchurch	£37,044.22 Education	No time limit specified.	Prior to occupation of the	Paid on 05.06.03.	No time limit	Education - proposed

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Road, Romford	£8,000 car park resurfacing , 6 AH units		13 th Market House Dwelling AH: prior to occupation of 18 of flats marked in blue			investment in additional places / modernisation at Redden Court secondary school £8,000: MB AH completed
P1088.03	100 George Street, Romford	£1,600 Converted parking bays	No time limit	Prior to commencement of development	Paid on 27.01.05	No time limit	MB
P1261.02	Manser Works, New Road, Rainham	£25,000 Environment Contribution AH: 24 units for rent	No time limit	On completion of agreement No date listed	£25,000 received on 08.04.04	No time limit	Scheme is complete and now in housing management
P1524.00	York Road, Rainham Waste Transfer Station	£1,500 Planting Contribution	No time limit	Within 28 days of date of decision letter by Secretary of State	Paid on 03.02.03	No time limit	Not spent SP

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
P1590.02	Construction House, Grenfell Avenue	£10,200 Education Contribution	No time limit on spend	Before Occupation of any of the Flats	Paid on 26.01.06	No time limit	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P0871.02	20-24 St Lawrence Road, Upminster	£5,000 Education contribution			Received on 21.11.02	No time limit	Education - proposed investment in additional places / modernisation at Redden Court secondary school
P1026.02 OR P1649.02	Maybank Lodge, Hornchurch	£56,571.75 Education, also 6 AH units	Need to locate s106 Agreement to check time limits	No details	Paid on 01.09.03	No time limit	AH has been provided Education - proposed

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
							investment in additional places / modernisation at Redden Court secondary school
P0096.01	Centre for Manufacturing Excellence – Manor Way, Rainham	£200,000 Bus Link Contribution; Green Travel Plan; £50,000 Public Art contribution Local labour agreement	Must be used within 36 months of first occupation of development. Public art must be spent 12 months from date of first occupation.	Prior to first occupation.	£156,000 of bus link received on 17.11.03 Remainder received and paid to bus company	spent	Public art discharged by works on roundabouts and lighting scheme £200,000 received and paid to bus company (spent on extending route 174)
P0233.00 P0234.00 - car park	Liberty Shopping Centre,	£50,000 For introduction of variable	Any sum to be repaid if unspent 3 years	Prior to commencement of development	Public art contribution received	spent	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
permission	Romford	<p>messaging system</p> <p>£30,000 Improvement of public lighting</p> <p>£25,000 public toilets</p> <p>s.38/278 agreement</p> <p>agree with the Council a scheme for the improvement or enhancement of Swan Walk and if agree to</p>	after payment dated	<p>Within 3 working days after developer enters contract for demolition of existing car park</p> <p>As soon as reasonably practicable</p> <p>Prior to commencement of development</p>	<p>15.11.04.</p> <p>£50,000 & £30,000 also listed as received</p> <p>£25,000 received 19.01.01</p>		

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		<p>implement the scheme</p> <p>shop mobility facility</p> <p>£1,540 bicycle stands</p> <p>bus shelters</p> <p>submit scheme for improvement of Westway/street furniture/ submit CCTV scheme and install</p>		<p>Before practical completion of development</p> <p>Within 9 months of commencement date</p>			
P0315.01 and P1057.01	Unit 1A The Brewery, Romford – agreement dated 05.11.01	£10,000 For acquisition of electric scooters & wheelchairs & manual		Prior to the commencement of trading	Paid and spent	spent	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		wheelchairs					
P0233.00	Liberty Centre, Mercury Gardens - deed of variation	£20,000 Public Art Contribution	To be spent within 3 years from date of payment	On or before 30/11/04	£20,000 paid on 15.11.04	spent	Spent on scheme in North Street
P1211.06	51/53 Station Road, Upminster – unilateral undertaking	£65,665.34 Education contribution £42,000 Highways Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the commencement of the development. Development commenced Jan 08.	03/03.08 03/03/08	02/03/15 02/03/15	
P1680.04	184 St Mary's Lane, Upminster	£58,142 Education Contribution	To be spent within 5 years from date of payment (extended if contract entered into)	Prior to occupation of first dwelling unit	11/03/08	10/03/13	
P0525.07	Gooshays Gardens and Dewsbury Road	£20,000 Highways Contribution	To be spent within 7 years from date of payment (can	prior to the commencement of the development	01/04/08	31/03/15	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		16 AH dwelling units (10 for rent and 6 for shared ownership) - Council to receive 64% of the nomination rights	be extended if contract entered into)	prior to occupation of 16th Open Market Unit			
P2310.05	2 Market Link, Romford	£118,856 Education Contribution £10,000 Highway Contribution £10,000 Parking Survey Contribution Travel Plan	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of the dwelling units	14/05/08 14/05/08 14/05/08	13/05/15 13/05/15 13/05/15	MB BW/MB
P1641.07	Marks Lodge, Cottons	(1) £5,000 Car Park	To be spent within 7 years	(1) prior to the commencement	26/02/08	25/02/15	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Approach	Management Contribution (2) £210,415 Education Contribution (3) £50,000 Highways Contribution (4) £100,000 Parks Contribution	from date of payment (can be extended if contract entered into)	of the development (2) prior to occupation (3) prior to the commencement of the development (4) prior to the commencement of the open market units	15/04/09 26/02/08 06/05/08	14/04/16 25/02/15 05/05/15	
P1194.06	155-163 New Road, Rainham	£18,322.13 Education Contribution £62,702.00 New Road Contribution 22 units for rent to be managed	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to occupation of any dwelling unit units to be transferred to	07/05/08 07/05/08	06/05/15 06/05/15	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		<p>by RSL with nominations reserved for the Council on 14 units</p> <p>Give the Council at least 1 weeks notice of the intended date of commencement of the development</p>		RSL and ready for letting prior to the occupation of any intermediate housing			
P0011.03	Dolphin Site, Main Road, Romford	<p>1. £100,000 Education;</p> <p>2. £500,000 Environmental Improvements;</p> <p>3. £25,000 shop mobility;</p> <p>4. £845,704 x 2 housing contribution;</p> <p>5. 40 AH units;</p>	If unspent to be repaid 5 years from date of payment.	<p>1. Prior to occupation of 185th open market unit</p> <p>2 & 3. Prior to occupation of the retail unit</p> <p>4. contribution to be received prior to occupation of 150th and 180th</p>	<p>1. £100,000 received on 13/03/08</p> <p>2. £450,000 received on 13.03.06 & £50,000 on 29.03.06</p> <p>3. £25,000</p>	<p>12/03/13</p> <p>2. £122,898 has been spent on the VMS. Member approval is being</p>	Regeneration leading on spend of Environmental improvement contribution

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Green Travel Plan; Highway improvements; variable messaging sign; CCTV		open market unit 5. before 100 th market unit is occupied	received on 19.05.06 4. £845.704.50 (x2) received on 28.06.07 & 07.08.07	sought by Regeneration for prioritisation of the remaining £377k. 4. SS	
P0238.07	8-12 Junction Road	£45,087 Affordable Housing Contribution	To be spent within 7 years from date of payment (can be extended if contract entered into)	prior to the commencement of the development	10.09.08 £7,587.00 received 1.10.08 £7,500 Received 1.11.08 1.11.09 £7,500 Received 1.12.08 £7,500	31.01.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
					Received 1.01.09 £7,500 Received 1.02.09 £7,500 Received		
P1613.05	Land between 113-123 Marlborough Road and rear of 103-113 Marlborough Road, Romford	£39,385 Education Contribution £1,000 Highway Contribution s.278 agreement	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to occupation Prior to commencement of development	04.03.09	03.03.16	
P1013.06	59 Main Road, Romford - Unilateral Undertaking	£67,630 Affordable Housing Contribution	To be spent within 7 years from date of payment (can	prior to the commencement of the development	24.08.07	23.08.14	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			be extended if contract entered into)				
P1074.08	51 – 53 Station Road	Education Contribution - £8,366.38	To be spent within 7 years of receipt (can be extended if contract entered into)	Commencement of the development	18.02.09	17.02.16	
P0884.08	Romford Brewery Car park	£10,000 – Highways contribution £10,000 – Roundabout Review Contribution Submit a Revised Graphics Plan Ensure vehicle	All contributions to be spent within 7 years of receipt (can be extended if contract entered into)	Prior to commencement of the development Prior to commencement of development On going from operational use of	£20,000 – Received on 16.01.09	15.01.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		in/out counts remain linked with existing town centre variable message board loop system		the car park			
P0970.08 UU submitted in respect of appeal	105 -109 New Road	11 Affordable housing units Education Contribution - £72,992 A1306 Contribution - £45,405 Restriction on car park permits issued.	5 Years for receipt (Can be extended if contract entered into)	No later than occupation of 5 th Open market unit Prior to commencement Prior to commencement	01.06.09 01.06.09	31.05.14 31.05.14	
P1647.07	2-4 Glebe Road, Rainham	£63,800 Education Contribution	To be spent within 7 years from date of payment (can	prior to the commencement of the development	20.10.09	19.10.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		£10,000 Highways Contribution	be extended if contract entered into)		20.10.09	19.10.16	
P1489.06	Saddleworth Square, Romford	£29,809.29 Education Contribution 13 AH dwelling units for rent	To be spent within 7 years from date of payment (can be extended if contract entered into)	Prior to the occupation of the dwelling units To be made available for rent under the management of a RSL in accordance with the nomination agreement	21.03.08	20.03.15	
P0601.09	Spring Gardens Romford	Notify the council of commencement and occupation of any dwelling 48 Affordable housing units Cottons Park	7 Years from	14 days prior to commencement and occupation Prior to	Received on	13.12.16	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		contribution - £23,000	date of payment (Can be extended if contract entered into)	commencement	14.12.09		
		Highways Contribution - £48,000	As above	Prior to commencement	Received on 14.12.09	13.12.16	
		Restriction on car parking permits being issued		Prior to commencement			
		Enter into a S278 agreement		Prior to commencement			
		Submit a viability report and then pay the agreed education contribution	7 years (can be extended if contract entered into)	Prior to occupation of any dwelling unit	Agreed £145,000 education contribution	03.05.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
					received on 04.05.11		
P0750.07	The Lodge Residential Care home, Lodge Lane, Collier Row	Highways contribution of £25,000 Development to be used in perpetuity only for the care of persons who have been diagnosed with dementia and who require high dependency care for their dementia condition	7 years from date of payment	Prior to commencement of the development	Received on 16.10.09	15.10.16	
P0406.08	Harrow Lodge, Hylands Way	Either 15 aff hsg units with		Provide aff hsg units prior to			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		grant or 10 aff hsg units without grant. Either £218,882 or £222,406 Education contribution depending on aff hsg option (Index Linked) £25,000 Hylands Park Contribution (index Linked)	All contributions to be repaid 7 years from date of payment (can be extended if contract entered into)	occupation of more than 50% open market units Prior to first occupation of a dwelling unit Prior to first occupation of a dwelling unit	Education contribution of £218,882 received on 16.02.10 Hylands Park Contribution of £25,000 received on 16.02.10	To be spent by 15.02.17 To be spent by 15.02.17	
P0082.08	22-26 Osborne Road	£5000 waiting restriction contribution £12,000 highways contribution	7 years from date of payment (can be extended if contract entered into)	Prior to commencement of the development	Waiting Restriction contribution of £5000 received on 29.07.10	To be spent by 28.07.17	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
					Highways contribution of £12,000 received on 29.07.10	To be spent by 28.07.17	
P0368.09	165 – 171 Hornchurch Road	Highways Contribution - £25,000 Restriction on the issue of car parking permits	2 Years from payment of the sum (Can be extended if under contract)	Prior to commencement of the development	£25,000 Highways Contribution received on 17.07.10	To be spent by 16.07.12	
P0206.10	Rushdon Close	Highways contribution - £44,400	5 years from receipt. Can be extended if contract entered into	Prior to commencement	£44,400 received on 02/09.10	To be spent by 01/09/15	
P0206.10	Rushdon Close	Education contribution of £414,854.04	5 years from receipt (can be extended if contract entered into)	Prior to occupation of 1 st dwelling unit.	£414,854.04 received on 27/04/12	To be spent by 27/04/17	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Provision of 74 Affordable housing units		Ongoing			
P0478.08	25 – 31 South Street, Romford	£12,000 Highways Contribution (Index Linked) £14,000 Education Contribution (Index Linked) 6 affordable housing units Restriction on issuing car park permits	7 years from date of payment (can be extended if contract entered into)	Upon commencement Upon commencement To be provided prior to occupation of more than 3 open market units.	Highways contribution received on 02.12.10 Education contribution received on 02.12.10	To be spent by 01.12..17 To be spent by 01.12.17	
P0884.09	Spring Gardens (Southside)	Highways contribution of £98,000	5 years from the date of payment can be	Must be paid within 2 months of commencement	Highways contribution £98,000		

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
			extended if contract entered into.	of the development	received on 8.12.10		
P1707.07	Cranham Hall Farm	Education Contribution - £148,906.55	7 years (can be extended if contract entered into)	Prior to commencement	£48,906.55 received on 11.12.09 £50,000 received on 19.5.10 £50,000 received on 20.05.11	£48,906.55 to be spent by 10.12.16 £50,000 to be spent by 18.05.17 £50,000 to be spent by 19.05.18	
P2172.07 UU submitted in respect of an appeal	Land Formerly White Hart Public House	£862,621.00 Affordable Housing Contribution – Index Linked to RPI	No Time limit on spend	Prior to commencement of the development – Deed of variation amended trigger			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
and Deed of variation dated 20.10.09				for payment to occupation of 12 unit.	£936,802.25 (contribution sum including interest) received on 19.05.11	No time limit on spend.	
P0617.04	Land at Upper Brentwood Road, adjacent to the railway	Maximum of £98,000, Education Contribution Affordable Housing (15% of the total number of dwelling units)	To be spent within 5 years from date of payment (can be extended if contract entered into)	prior to the occupation of any of the market units prior to occupation of more than 50% of the dwelling units	The specific education contribution has now been calculated to £61,288.25 – received on 28.09.11	27.09.16	
P1471.09	Land at Little Gerpins Lane, Rainham	Public Access Contribution £500 Submit Public	7 years (can be extended if contract entered into) N/A	Upon completion of the agreement Within 12 months	£500 received on 31.10.11	30.10.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Access Agreement	N/A	of the date of the agreement			
		Undertake a stage 1 /2 road safety audit and provide the results within 1 month	N/A	Within 6 months of the date of the agreement and implement safety measures that are determined within 6 months of the date of the road safety audit			
		Undertake a stage 3 road safety audit	N/A	Within 12 months of the implementation of the safety measures			
		Undertake a stage 4 road safety audit	N/A	Within 36 months of the date of implementation			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Complete soil importation and general engineering works including spreading of final top soil ready for planting		planning permission			
P0139.09	Moorhall Golf Course	Implement ecological mitigation and management strategy TFL Contribution £25,000	N/A 7 years from commencement (Can be extended if contract entered into)	In accordance with its terms 12 months prior to the opening of the golf course	£25,000 TFL Contribution received on 13.04.11 and passed onto TFL	TFL to ensure that contribution is spent by 12.04.18	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Construct bridleway Submit details of material and origin of imported material Enter into a S278 Agreement	N/A N/A	At the end of each phase Prior to commencement			
P0127.10	Hampden Lodge	30 affordable housing units Education Contribution - £204,000 Highway Contribution - £30,000	N/A 5 years from receipt. (Can be extended if contract entered into) As above	Ongoing Prior to occupation of the development Prior to occupation	£204,000 received on 10.10.11 £30,000 received on 10.10.11	09.10.16 09.10.16	
U0007.10	Tesco, Beam reach 5	Local Skills Training	£100,000	All contributions payable upon	All contributions	26.10.16 (5 yrs)	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Rainham	Contribution Public Art Contribution	£80,000	implementation of the detailed part of the permission	received on 27.10.11	26.10.14 (3 yrs)	
		Public Realm Improvement Works Contribution	£50,000			26.10.14 (3 yrs)	
		Public Transport Improvement Contribution	£40,000			26.10.14 (3 yrs)	
		Beam Reach Station Contribution	£300,000			26.10.16 (5 yrs)	
P1221.07 UU submitted in respect of appeal	Squirrels Heath public House	£4000 - Highways	7 years from date of payment (can be extended if contract entered into)	Prior to commencement of the development	26/01/12	25/01/19	
P0046.10	Former Manor	Education	5 years from	Prior to			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
	Primary school Shaftsbury Road	Contribution - £298,907.40 Highways Contribution - £30,000 11 Affordable housing units	receipt. Can be extended if under contract As above N/A	occupation of any dwelling unit Prior to occupation 5 aff units prior to occupation of more than 10 open market units - 6 aff units prior to occupation of more than 17 open market units	06/02/12 06/02/12	05/02/17 05/02/17	
P1806.10	Former Manor Primary School	Only implement the planning permission in association with P0446.10 Increase the number of	N/A N/A				

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		dwelling units to be built to 31 Education contribution £6147.74 Highways contribution £1000	5 years (can be extended if contract entered into) 5 years (can be extended if contract entered into)	Prior to commencement of the development Prior to commencement of the development	06/02/12 06/02/12	05/02/17 05/02/17	
P0884.09	Spring Gardens (Southside)	56 units for affordable housing Education contribution up to a maximum of £419,880	NA 5 years from the date of payment can be extended if contract entered	Must be transferred prior to occupation of more than 21 open market units Must be paid prior to occupation of the first unit	Education contribution of £209,000 paid on 28.06.12	£209,000 must be spent by 27.06.12	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		(subject to submission of viability report) Highways contribution of £98,000 Parks contribution of £48,000 Restriction on the issue of car parking permits	into. As above	Must be paid within 2 months of commencement of the development Must be paid prior to first occupation Once occupied - ongoing	balance of £916 received on 01.08.12 £98,000 paid on 01.09.10 £48,000 paid on 11.04.12	and £916 must be spent by 31.07.12 01.09.15 11.04.17	
P1875.10	Kings Grove, R/O 5-11 Carlisle Road	Parking Restrictions Assessment Contribution	7 years from date of payment (can be extended if	Prior to commencement	£5000 paid on 02.04.12	01.04.19	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Restriction on the issue of parking permits	contract entered into)	Ongoing			
	Interwood Site, Stafford Avenue	Provide 33 Aff Hsg units £299,002 Education Contribution (Index Linked) Either pay £72,000 highway contribution or enter into a S278 agreement and	All contributions 7 years from date of payment (can be extended if contract entered into)	Phased payment agreed – see deed of variation below -			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		carry out highway works restriction on the issuing of car parking permits					
Deed of Variation	Interwood, Stafford Ave	Vary the payment of the education contribution	7 years from receipt	Pay £167,441.12 prior to occupation of Block C Pay £74,750 prior to occupation of Block D Pay £56,810.38 prior to occupation of Block F	£74,750 paid on 21.03.12		
UU submitted in respect	218 – 228 Crow Lane	Education contribution - £216,000.	7 years from payment – can be extended if	Must be paid prior to occupation of more than 21	£216,000 paid on 21.02.12	21.02.19	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
of an appeal against refusal of P2026.08		Transport contribution - £27,000 Provision of 65 affordable housing units.	contract entered into. As above Must be handed over prior to occupation of more than 7 open market units.	units Must be paid prior to first occupation.	£27,000 paid on 21.02.12	21.02.19	
U0011.06 LTGDC App – NB LBH is not a party	Land at Beam Reach, 8 Coldhabour Lane	Public Transport Contribution - £180,500 Walkways Green Travel Plan	10 years from receipt		£181,034.56 (including indexation) – paid on 27.02.12	27.02.27	
U0006.06	Plot 7 & 8	£6,800 – Traffic	10 years from		£34,781.05	27.02.27	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
LTGDC – NB LBH is not a party	Beam reach Business Park 5 Marsh Way	Management Contribution £27,981 – Public Transport Contribution	receipt		(including indexation) – paid on 27.02.12		
P0954.11	Former Edwin Lambert School Malvern Road	Affordable housing 4 units – 1 for intermediate 3 for affordable rent Health care contribution - £12,250 Highways contribution - £35,000	5 years from receipt (can be extended if contract entered into)	Prior to occupation of development Prior to commencement	£35,000 received on 26.04.12	16.04.17	
UU submitted in respect	227 London Road	Highways Contribution - £10,000	7 years from receipt (can be extended if	Prior to commencement	Highways Contribution	28/06/19	

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
of appeal - P0420.11		Parking permit restriction Restriction on use as care home Enter into Highway agreements Travel Plan	contract entered into)	Ongoing Ongoing Prior to commencement Prior to commencement	received – 29/06/12		
P2058.08	Mardyke Estate	Affordable housing in accordance with the housing mix statement Controlled	NA 7 years from date of payment (can be	80% of aff.hsg units to be provided before 100% of open market units are occupied 3 months after practical			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Parking Zone Contribution – Up to £60,000	extended if contract entered into)	completion of all dwelling units			
		Education Contribution £227,466	As above	Prior to practical completion of 50% of the open market units			
		20mph Zone Contribution – Up to £40,000	As above	Within 6 months of commencement	20mph Zone Contribution - £2863.84 received – 09/08/12	08/08/19	
		Enter into all necessary highway agreements and provide funding up to £30,000 in respect of accessibility of bus stops	NA	Prior to commencement of each phase			
			NA	NA			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Restriction on the issue of car parking permits	NA				
		Implement the Travel Plan	NA	In accordance with terms contained in the travel plan			
		Submit for approval an Improvement Strategy in respect of Mardyke Open space	NA	Within 6 months of commencement			
		Submit for approval a routing agreement	NA	Prior to commencement			
		Observe and perform the local labour provisions	NA	On going			
				Prior to first occupation of the Community Hub (to be kept available for 12			

Planning Ref.	Address	Obligation Description	Time Limit on Spending	Trigger Date	Money received on	To be spent by	How the funds are being used/where in the Capital Programme?
		Provide a police office Submit details of toilet facilities to be provided for bus drivers and provide the agreed facilities		months) Within 12 months of commencement By 31 July 2016 (completion of the 4 th Phase)			

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REGULATORY SERVICES COMMITTEE

REPORT

13 SEPTEMBER 2012

Subject Heading:

Planning and enforcement appeals received, public inquiries/hearings and summary of appeal decisions

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and Compliance)
01708 432685

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

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

SUMMARY

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 19 May 2012 and 17 August 2012.

RECOMMENDATIONS

That the results of the appeal decisions are considered and the report is noted.

REPORT DETAIL

- 1.1 Since the appeals reported to Members in June 2012, 22 new appeals have been started. These are listed below.

Decisions on 28 appeals have been received during the same period 20 have been dismissed, 7 allowed, and 1 withdrawn.

- 1.2 Appeals received between 9 May 2012 and 17 August 2012 is on the attached list (mainly dealt with by written representation procedure).

IMPLICATIONS AND RISKS

Financial implications and risks: Enforcement action may have financial implications for the Council.

Legal implications and risks: Enforcement action and defence of any appeals will have resource implications for Legal Services.

Human Resources implications and risks: No implications identified.

Equalities implications and risks: No implications identified.

BACKGROUND PAPERS

List of appeal decisions made between 19 May 2012 and 17 August 2012.

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LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0764.11 land adjacent 20 Surridge Close Rainham <i>Erect 2 x two storey houses with extending the access road to provide on site parking</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, due to its height combined with its gabled roof form and siting in close proximity to the shared boundary with No.s 2 and 3 Mayfield Close, result in the proposal being a cramped, visually intrusive and overly dominant form of development causing loss of outlook and a strong sense of enclosure adversely impacting on residential amenity, contrary to Policies DC3 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Supplementary Planning Document on Residential Design.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>There are two main issues in this appeal. The first is the effect of the development on the character and appearance of the area. The second is its implications for the living conditions of the surrounding residents, particularly those living within Mayfield Grove. The appeal site is presently part of the rear garden of 16 Glebe Road and an adjacent grassed area located at the eastern end of Surridge Close. The proposal involves the erection of a pair of semi-detached houses as a continuation of the housing on the south side of Surridge Close.</p> <p>The design of the proposed houses would tend to reflect the existing pattern of development in Surridge Close maintaining continuity within the cul-de-sac. The density of development would not be out of character with the area and could not reasonably be described as unacceptably cramped. The Inspector on the issue of character and appearance concluded that it would generally be in keeping with the prevailing character of the area and the street scene within Surridge Close.</p> <p>On the second issue, the Council concerns related to the effect of the scheme on the amenity of No's 2 and 3 Mayfield Grove. The Council considered that the scheme would constitute a visually intrusive and overly dominant form of development which would</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>create a strong sense of enclosure and loss of outlook to the adjoining residents.</p> <p>The flank elevation of the house proposed adjacent to the east boundary would create an oppressive sense of enclosure to the occupiers of 2 Mayfield Grove. It would significantly impinge on the residents' outlook from the rear of their house and small garden. The dominating impact of the development would also be apparent to the occupiers of 3 Mayfield Grove, despite its more oblique relationship to this particular property. In the view of the Inspector, the scheme would amount to an unneighbourly form of development which would significantly harm the living conditions of these residents due to its dominating impact.</p>
<p>P0939.11 218 Moor Lane Cranham Upminster <i>Conversion of existing outbuilding into one bed bungalow dwelling</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The conversion of the existing outbuilding into a new dwelling would, by reason of its design, appearance, roof form, height, scale, bulk and proximity to the boundaries of the site, appear as an incongruous and unacceptably cramped overdevelopment of the site, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The conversion of the outbuilding into a new dwelling would result in an overbearing, intrusive and out of character feature within the rear garden environment harmful to the amenity of occupiers of neighbouring residential</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal were firstly the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of adjacent occupiers. The final reason is whether acceptable living conditions would be provided for future occupiers.</p> <p>The appeal proposal is for conversion of existing outbuilding into a two bedroom bungalow dwelling and would involve fundamental changes to the appearance or size of the existing building. There would be a</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>properties contrary to policy DC61.</p> <p>The conversion of the outbuilding into a new dwelling would, by reason of its position close to the boundaries of the site, would result in a poor living environment for future occupiers of the proposed development, contrary to Policy DC61 of the LDF Development Control Policies DPD and the aims of PPS1.</p>	<p>subdivision of the existing garden into two smaller plots. A variety of plot sizes and shapes are evident in the vicinity of the site and the plot width within the Fairholme Gardens street scene would not result in a cramped or results in a congested layout. The Inspector concluded that there would be no harm character and appearance of the area.</p> <p>The building already exists and a change of use of the existing building would result in an overbearing or intrusive impact on neighbouring properties even though it is relatively close to the rear boundary. As there would be no upper floor windows and there would be 1.8 metre fence to the rear and side boundaries which would mitigate any perceived of loss of privacy. New planting would further screen the proposed dwelling from the garden of the host property.</p> <p>On the final point, the proposed amenity space provided appropriate boundary Treatments were constructed would be private and of sufficiently usable area to serve the proposed dwelling. However in looking at the internal layout, the sole bedroom window, as well as the French doors to the kitchen/dining/living room, would both be little more than 2m from the existing 1.8m tall close-boarded boundary fence. This would be the primary outlook for the main areas of habitable accommodation and would result in the interior being dark and oppressive. This would not provide appropriate living conditions for future occupiers.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>M0004.11 Public highway at junction of North Hill Drive & Whitchurch Road Harold Hill, Romford <i>Installation of a twin user 10 metre street furniture column with shared antennas located within a glass reinforced plastic shroud at the top. With 1 no. shared ground based equipment cabinet and ancillary development thereto.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk of the top section and prominent, elevated siting have an adverse impact on visual amenity in the street scene and on the residential amenity of adjoining occupiers, contrary to Policies DC61 and DC64 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>The appeal related to refusal of an application in respect of development by a telecommunications code system operator for the siting and appearance of a 10 metre high mast with antennas and a ground based equipment cabinet. The main issues are the effect of the proposal on the character and appearance of the area, and on the living conditions of adjoining occupiers.</p> <p>The appeal proposal would be located at the back of the pavement at the junction of two roads. The column would be seen primarily in the context of the North Hill Drive street scene. North Hill Drive is a wide suburban road, flanked on both sides by substantial trees in the highway verges. The trees, along with street lighting columns staggered along both sides of the road, exceed the height of the street's mainly 2-storey houses.</p> <p>The Inspector considered that there is already a notable element of vertical features in the street scene, with the skyline being regularly broken and punctuated. The proposed column would not be so tall as to sit uncomfortably within the general visual mix of trees and street lighting, even in winter months and would occupy a gap in a run of existing street lighting columns of a similar height. In summary it was found that there would be no harm to the character and appearance of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>In respect of the living conditions of occupiers of Newstead House, the presence of the proposed column would be no different to that of the range of existing street lighting, signage, and other street furniture. It would not have any significant effect on the outlook from Newstead House, and therefore there would be no material harm to the living conditions of adjoining occupiers. The appellant provided an ICNIRP certificate confirming that the proposed equipment would meet the Government's guidelines, and concerns raised by third party objectors regarding public safety were insufficient to justify dismissing the appeal on health grounds.</p>
<p>P1358.11 218 Moor Lane Cranham Upminster <i>conversion of existing outbuilding into a two bedroom bungalow dwelling, canopy porch and bay window</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The conversion of the existing outbuilding into a new dwelling would, by reason of its roof form, height, scale, bulk and proximity to the boundaries of the site, appear as an incongruous and unacceptably cramped overdevelopment of the site, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The conversion of the outbuilding into a new dwelling would result in an overbearing, intrusive and out of character feature within the rear garden environment harmful to the amenity of occupiers of neighbouring residential properties contrary to policy DC61.</p>	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>The main issues in this appeal were firstly the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of adjacent occupiers. The final reason is whether acceptable living conditions would be provided for future occupiers.</p> <p>The appeal proposal is for conversion of existing outbuilding into a two bedroom bungalow dwelling and would involve fundamental changes to the appearance or size of the existing building. There would be a subdivision of the existing garden into two smaller plots. A variety of plot sizes and</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>The conversion of the outbuilding into a new dwelling would, by reason of its position close to the boundaries of the site, would result in a poor living environment for future occupiers of the proposed development, contrary to Policy DC61 of the LDF Development Control Policies DPD and the aims of PPS1.</p>	<p>shapes are evident in the vicinity of the site and the plot width within the Fairholme Gardens street scene would not result in a cramped or results in a congested layout. The Inspector concluded that there would be no harm character and appearance of the area.</p> <p>The building already exists and a change of use of the existing building would result in an overbearing or intrusive impact on neighbouring properties even though it is relatively close to the rear boundary. As there would be no upper floor windows and there would be 1.8 metre fence to the rear and side boundaries which would mitigate any perceived of loss of privacy. New planting would further screen the proposed dwelling from the garden of the host property.</p> <p>On the final point, the proposed amenity space provided appropriate boundary Treatments were constructed would be private and of sufficiently usable area to serve the proposed dwelling. The internal layout and windows would result in a more open outlook from the main habitable rooms in comparison to the alternative scheme dismissed on appeal. The flank wall window to the living/kitchen/dining room would provide aspect over the private garden area and provide living conditions in the main living space to an appropriate standard. The dual-aspect larger bedroom would have an open aspect to the front from its bay window. The proposal would provide acceptable living conditions for future occupiers.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0627.11 30a South Hall Drive Rainham <i>Subdivision of a two bedroom dwelling into 1 x 1 bedroom self contained flat to the ground floor and 1 x 2 bedroom self contained flat to first and second floors</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the particularly remote provision of amenity space and likely noise and disturbance associated with the proximity, layout and size of the proposed parking court, result in a substandard level of residential amenity to the detriment of existing and future occupiers and the character of the surrounding area contrary to Policies DC4 and DC61 and Residential Design SPD.</p> <p>The proposed development would, by reason of the excessive hardstanding of the proposed front parking court area and the lack of space for either soft landscaping or refuse storage facilities associated with the proposed flatted development, result in harm to visual amenity in the streetscene harmful to the appearance of the surrounding area contrary to Policies DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD, Residential Design SPD and Landscaping SPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues this appeal were the effect of the proposed development, firstly, on the living conditions of its occupiers and those of the attached properties on either side of the appeal property and secondly, on the character and appearance of the local area. The appeal property is a 2-storey mid-terrace house and the proposal is to convert it into two self-contained flats. The proposed ground floor flat would have direct access to, and dedicated use of, the modest-sized rear garden. The new 2-bedroom flat would occupy the first and second floors of the appeal property and be served by a small area of private amenity space located at the side of the short terrace of which No 30A forms part.</p> <p>The proposed amenity space serving upper floor flat would be remote and, as a result, inconveniently located for its future occupiers, which would severely limit its value to them as attractive and useable external space. If the occupiers wanted use the proposed space for drying clothes could involve carrying wet clothes from the kitchen at second floor level down two flights of stairs and around the side of the terrace building. Moreover with no obvious natural surveillance from within flat 2, occupiers may also be reluctant to leave personal belongings within the proposed space or use it for children's play without direct supervision. It is therefore contrary to council guidance on this matter as it is advised that every home should have access</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>to suitable amenity space.</p> <p>The proposed living room/kitchen window of flat 1 would face onto the area for vehicle parking in the front of the terrace. The view from this habitable room would include parked vehicles or, in their absence, an expanse of parking area. The guidance in the Council's SPD states that habitable rooms should have at least one window with an adequate outlook. Additionally there would also be the prospect of noise and disturbance to future occupiers of the ground floor flat caused by vehicles using the spaces immediately in front of the terrace and manoeuvring, engines left running, and car doors slamming. On the amenity issue the Inspector concluded that the proposal would not provide satisfactory living conditions for its future occupiers.</p> <p>On the character issue, most of the space in front of the terrace would be used for vehicle parking. A total of eleven spaces would serve the three units in this terrace and irrespective, because of its apparent scale, the proposed parking area would visually dominate the setting of the appeal building in marked contrast with the present layout. Views of the proposed parking area would be possible from various public vantage points along South Hall Drive and that additional planting would not satisfactorily mitigate the visual impact of the proposed parking area. In conclusion the Inspector found that the parking area would be visually obtrusive in the local street scene and out of keeping with</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					the local area.
<p>P1892.10 14 Beverley Gardens & rear of 8, 10, 12, 16, 18 Beverley Gardens Hornchurch <i>Demolition of No. 14 Beverley Gardens, the formation of new access road and footpath and erection of four dwellings with four car ports (outline)</i></p>	Written Reps	Refuse	Delegated	<p>The proposal, by reason of its density, size, scale, bulk and siting, would be unacceptably cramped in relation to surrounding development and the spacious rear garden character and appear overbearing to the detriment of the amenities of adjacent residential occupiers and the spacious, mature landscaped part of this part of the Emerson Park Policy Area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Emerson Park Policy Area Supplementary Planning Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues in this appeal were the effect of the proposed development, firstly, on the character and appearance of the local area; and secondly, on the living conditions of the occupiers of nearby residential properties. The site lies within a residential area with semidetached and detached dwellings set in generous plots with spacious, mature landscaped rear gardens which are typical of this part of the Emerson Park Policy Area.</p> <p>The proposal was an outline application to demolish and remove 14 Beverley Gardens and erect four detached dwellings and carports on the land that currently forms part of its rear garden and parts of neighbouring rear gardens. The proposal would introduce a substantial built form into generally undeveloped garden space. Having viewed the site from properties that back onto the site, the Inspector considered that proposed built form would appear as a visually disruptive and uncharacteristic intrusion into relatively long and generally open garden space.</p> <p>The Inspector considered that the proposed layout arrangement would appear unduly cramped. Narrow gaps would separate the flank walls of these new dwellings and their</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>position would be fairly close to the rear boundaries of some surrounding properties. Consequently, there would be limited space between new dwellings on at least two of their sides. The modest depth of the front gardens of plots 1 and 2 would also give the impression that these new units occupy restricted plots, thereby reinforcing the perception that this is a cramped form of development that would not be assimilated easily into this mature landscaped area</p> <p>The proposal would not integrate satisfactorily into the more spacious pattern of existing development, in which houses generally have deeper front gardens with gaps that are perceived to be wider between adjacent buildings proposed. In summary the proposal would add an unwelcome and visually intrusive element to the local area to the detriment of its character and appearance.</p> <p>On the second issue, elements of the new development would be visible from nearby properties as some of the proposed dwellings would be located close to the rear boundaries of surrounding houses. Such views would be limited by existing vegetation and because of the separation distances to the rear of existing houses. Consequently, the Inspector found that the proposal would not cause any significant loss of privacy through overlooking or loss of light to nearby properties.</p> <p>The new buildings would be evident from the rears of properties in Channing Close and Beverley Gardens even with the low profile</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>design of the proposed dwellings. The chalet style bungalows on plots 3 and 4 would be likely to be significant in height and include substantial blank walls close to and facing the rear gardens of dwellings in Beverley Gardens. The single storey bungalow on plot 1 would be likely to be evident to the occupiers of 3 Channing Close, located just beyond its rear boundary, together with the taller built form of the dwelling proposed on plot 2.</p> <p>The Inspector concluded that the proximity of the built form close to the rear gardens of existing properties would represent such a significant change that it would result in an over-dominant impact on the occupiers of the surrounding properties. This would be harmful to neighbouring residents' living conditions because it would result in an undue loss of outlook.</p>
<p>P0737.11 Abbottswood Nursing Home 21 Gilbert Road/ 11 Kingston Road Romford <i>Demolition of bungalow (11 Kingston Road) and two garages at rear. Erection of part two storey & part single storey extension as enlargement of existing nursing home - containing 13 no.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design, height, bulk and mass forward of the Gilbert Road building line, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the first floor windows facing no. 13 Kingston Road cause overlooking and loss of privacy which would have a serious and adverse effect on the living</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues are the effect of the proposal, firstly, on the character and appearance of the local area; and secondly, on the living conditions of its occupiers with particular regard to private amenity space and privacy.</p> <p>The site occupies a prominent corner plot at the junction of Kingston Road and Gilbert Road, and lies within a predominantly residential area. The proposal would demolish and remove the existing bungalow</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>bedrooms and wetrooms ensuite, plus kitchen, dining room and office</i></p>				<p>conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its position and proximity to no. 13 Kingston Road result in an overbearing impact in a rear garden environment and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed garden area overlooks the sole window for bedroom 6 of the extension, resulting a loss of privacy which would have a serious and adverse effect on the living conditions of any potential future occupier, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p>	<p>and garages that partly occupy the site and extend the existing nursing home primarily to provide additional accommodation.</p> <p>The proposal would result in a substantial enlargement of the site. The extended building would give the appearance of a continuous built form, albeit varying in height and roof form, along much of, and close to, the highway frontage. This layout would sit uneasily with the more spacious pattern of existing development nearby in which smaller residential buildings generally have shorter highway frontages and are set back from the road.</p> <p>The considerable scale, bulk and position of the proposed extensions close to part of the site's boundary with Gilbert Road, would cause it to appear cramped in terms of layout, especially when viewed from the Kingston Road and Gilbert Road junction. Additional planting would not satisfactorily mitigate its impact.</p> <p>On the second issue, the proposed private amenity space to serve occupiers of the appeal scheme would be largely enclosed with tall walls on three sides and a substantial fence on the fourth. This arrangement, coupled with the modest size of the proposed space would not provide an attractive and useable external space because the outlook from within the space would be poor and users would experience a sense of enclosure.</p> <p>On the matter of privacy, users of the amenity</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>space would be able to look directly into the sole window for one of the proposed bedroom. As a result, there would be a significant loss of privacy for the occupiers of this room. The use of curtains or blinds would not be effective in mitigation since they would have to remain closed while the space was in use.</p>
<p>M0005.11 land at junction of Wingletye Lane and Essex Gardens Hornchurch <i>Installation of a 10m streetworks type column accommodating 6No. shrouded antennas, shared equipment enclosure, meter cabinet and development ancillary thereto</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed telecommunications mast would, by reason of its height and prominent location, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary, to policies DC61 and DC64 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issue in this appeal was the effect of the proposal on the character and appearance of the local area.</p> <p>The proposed mast would be located on part of a grass verge that lies close to the junction of Wingletye Lane and Essex Gardens. It would be sited very close to the highway and at some 10m in height, would be materially higher than nearby street lighting columns, telegraph poles and roadside signs.</p> <p>The proposed mast would be evident in the local street scene and would stand forward of the main front building line of properties along Wingletye Lane and higher than the single storey dwellings to the south of the site. It would also be visible from various public vantage points in Wingletye Lane and Essex Gardens. The proposed mast would stand out because it would occupy a prominent position and its height and appearance would markedly contrast with other features within the local area adding urbanising clutter. Its impact would be partially mitigated by the slim</p>

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					<p>design of the pole. However painting the pole a different colour to that proposed would not mitigate this harm.</p> <p>Although there was an accepted need for the proposal, and there was a lack of suitable, alternative sites, and no significant harm to the living conditions of the occupiers of nearby properties, the Inspector was not persuaded that these other material considerations outweighed the identified harm to the character and appearance of the local area.</p> <p>The appeal is dismissed and the decision is welcomed. The main issue in this appeal was the effect of the proposal on the character and appearance of the local area.</p> <p>The proposed mast would be located on part of a grass verge that lies close to the junction of Wingletye Lane and Essex Gardens. It would be sited very close to the highway and at some 10m in height, would be materially higher than nearby street lighting columns, telegraph poles and roadside signs.</p> <p>The proposed mast would be evident in the local street scene and would stand forward of the main front building line of properties along Wingletye Lane and higher than the single storey dwellings to the south of the site. It would also be visible from various public vantage points in Wingletye Lane and Essex Gardens. The proposed mast would stand out because it would occupy a prominent position and its height and appearance would</p>

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					<p>markedly contrast with other features within the local area adding urbanising clutter. Its impact would be partially mitigated by the slim design of the pole. However painting the pole a different colour to that proposed would not mitigate this harm.</p> <p>Although there was an accepted need for the proposal, and there was a lack of suitable, alternative sites, and no significant harm to the living conditions of the occupiers of nearby properties, the Inspector was not persuaded that these other material considerations outweighed the identified harm to the character and appearance of the local area.</p>
<p>A0057.11 Former Plough PH Gallows Corner Colchester Road Romford <i>2x 96 sheet advertisement displays-illuminated</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed advertisement displays would, by reason of their height, length, illumination and siting, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document and the London Plan Policy 7.4.</p> <p>The proposed advertisement displays would, by reason of their siting and illumination, be likely to give rise to a distraction to drivers to the detriment of highway safety contrary to Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies</p>	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted. The main issues in this case are the effect of the advertisements on the visual amenity of the area, and public safety on the highway.</p> <p>The appeal site comprises the derelict, burnt former Plough Public House which is surrounded by hoardings. The site lies within a mixed area of residential, commercial and retail uses clustered around the major junction of the A12, A127 and the A118. The area is visually dominated by the road junction and the adjoining fly-over.</p> <p>The temporary advertisements would enable a new means of screening along the</p>

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				Development Plan Document.	<p>Colchester Road site frontage to be erected. The signs would be seen principally by road users approaching the junction from the north-east. This part of the highway is already dominated by the highway direction signs and the large retail fascia signs on the opposite side of the road. The proposal would not be out of scale or character with these existing features of the street scene. The proposal would be lower than the fascia signs on the opposite side of the road and would not be overly dominant or visually intrusive within its context against the former Pub building.</p> <p>In regard to highway safety, the main concern was the possible distraction to drivers approaching the junction that might arise from the illuminated advertisements. It was noted that the A12 is straight and well lit at this point with ample forward visibility. The Inspector however did not find that this was a particularly hazardous location or that the proposed traditional, static display would necessarily distract drivers.</p>
<p>P1283.11 Land rear of 9-13 New Road Rainham <i>Proposed erection of block to incorporate 4No flats(revised application to P0893.10)</i></p>	Written Repts	Refuse	Delegated	The proposal would, by reason of its excessive height, bulk, massing and close proximity to boundaries, represent a cramped overdevelopment materially out of keeping and adversely affecting visual amenity in the street scene and otherwise open character of the locality contrary to Policies DC61 and DC2 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted. The main issues in this appeal are the effect of the development proposed on the character and appearance of the local area and its effect on the living conditions of the occupiers of nearby dwellings.</p> <p>The appeal site sits at the back of a terrace of three properties fronting New Road which have been converted to 6 flats and at the rear</p>

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				<p>The proposal would, by reason of close proximity to adjoining residential development, result in the development being visually intrusive to existing occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>of a row of terraced dwellings within Mardyke Close. The site currently accommodates a commercial building and the proposed building would be a much larger structure that would abut the open Green Belt land to the west known as Beam Parklands.</p> <p>The proposed building would in its design and overall appearance would be compatible with that of surrounding dwellings and its ridge height would be viewed at a similar height, given the topography of the land. It would from the west against the backdrop of the properties of New Road and Mardyke Close, which are of a broadly similar scale. The density of the proposed development would marginally exceed the Council's recommended density levels for this part of the borough. The Inspector concluded that it would not unacceptably harm the character and appearance of the local area.</p> <p>In regard to the effect on the living conditions, the Inspector noted that the proposed building would be much further from the rear elevation of the dwellings of Mardyke Close than the end of the terrace which fronts New Road. The side elevation of the proposal would be 11m from the New Road buildings and is comparable with relationships between existing built form in New Road and Mardyke Close. In conclusion, the Inspector was satisfied that the development proposed would not harm the outlook for the occupiers of nearby dwellings and nor would adversely affect the privacy of these dwellings.</p>

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<p>P1006.11 19A Seymer Road Romford <i>Variation of existing condition ref ES/ROM/199/51 in order to use for place of worship and other activities</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal, by reason of its location, the nature of the existing site, and the intended use, would have a serious and adverse effect on the amenities enjoyed by occupants of neighbouring property in particular and the surrounding area generally, by reason of noise, disturbance and pedestrian and vehicular activity at and within the vicinity of the site and would be contrary to Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal would lead to an unsatisfactory development of the site with inadequate car parking arrangements and drop off and loading facilities, and so would be likely to give rise to additional indiscriminate kerbside car parking at and within the vicinity of the site, which in turn would be detrimental to the safety of both vehicles and pedestrians, and would be contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issue in this appeal was the effect the proposed uses (as a place of worship and for children's parties, etc. i.e. Planning Use Class D1 in full) would have on residential amenities and parking conditions in Seymer Road.</p> <p>The Inspector noted that, in principle, the proposed uses are not incompatible with a residential area; however there were specific concerns because of the proximity of the site to houses and because of the parking conditions in Seymer Road. The site is flanked by residential dwellings and the use of it for the proposed activities would be noticeable to the occupiers of these houses. This is because of the sound of people arriving and departing and vehicular movements and parking near to the site boundaries. This would be exacerbated if the activity results in noise that is audible outside the building or takes place at unsociable hours.</p> <p>It was noted that there are parking restrictions on Seymer Road and almost all the residents have converted their front gardens into parking areas. Moreover there is also competition for on-street parking spaces from visitors to the commercial premises near the Seymer Road/North Street junction.</p> <p>Up to 60 people at a time could attend the premises if used as a place of worship and the Inspector considered that activities on this</p>

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					<p>scale could take place here without creating unacceptable disturbance to residents and a demand for parking spaces that could not be satisfactorily accommodated within the site. Furthermore the types of uses were also likely to result in noise being generated within the premises that is audible beyond the site boundaries and they may take place at times when residents would expect the neighbourhood to be quiet.</p>
<p>P1870.11 44 Herbert Road Emerson Park Hornchurch <i>Demolition of existing bungalow, construction of 6 detached dwellings with associated vehicle access and landscaping</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposal, by means of the number and size of dwellings and the arrangement of garden space around them, would represent a cramped overdevelopment of the site, out of keeping with the spacious setting of the surroundings properties and street scene and therefore harmful to the character and appearance of the Emerson Park area, contrary to the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal was the effect of the proposed development on the character and appearance of the appeal site and the street scene, with particular reference to the Emerson Park Policy Area (EPPA). The appeal site is comprised of a single detached dwelling on a large plot, much of which is covered with overgrown planting and a Tree Preservation Order applies to trees on the site. The site is located in EPPA, which is typified by medium and large dwellings located in spacious well landscaped grounds. It is noted that the EPPA is divided into six sectors and there is planning guidance which is designed to provide both a level of control over developments throughout the area and also to provide specific criteria for the various sectors within the area, each of which has its own character.</p> <p>The Inspector firstly noted that the existing</p>

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					<p>building is largely screened from the road by extensive planting, but contributes to the general sense of space in the street scene due to the plot width and the separation between buildings. The proposal would open views of the site through gaps between retained mature trees, and as such the buildings to the rear of the proposed frontage houses would have an impact on the street scene and the wider area. Given the presence of other cul-de sacs in the vicinity, the principle of this pattern of development would not conflict with the aims of Council's policies and Supplementary guidance.</p> <p>The Inspector noted that backland development can result in reduced rear garden lengths, and although the proposal includes garden sizes which are large enough to meet the functional needs of future occupants of these large houses, they would not be long when viewed in proportion to the footprint of the houses themselves. The result of the siting of six dwellings of the footprints proposed on the appeal site would be that none would be perceived as having a particularly spacious plot.</p> <p>There are 2.5 and 3-storey dwellings in the vicinity of the appeal site, but Inspector agreed with the view, that the proposed dwellings would be overly large for their plots and this would be exacerbated by the height and scale of the dwellings set between mainly primarily two-storey housing. The proposed dwellings would fail to respect the scale, massing and height of the surrounding</p>

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					<p>physical context contrary to policy DC61</p> <p>The appellant highlighted that The Lombards, a neighbouring cul de sac contains detached houses in 'modest' plots. However the proposed plots would be smaller still than those in The Lombards and elsewhere in the immediate vicinity of Sector 6 of the EPPA. The Inspector considered that the proposed dwellings would appear unduly close together within the appeal site and to boundaries, to an extent that the overall effect would be that of an excessive amount of development compared to the general pattern in the vicinity. A comparison by the appellant to the denser housing layouts within nearby Sector 5 was not accepted as valid as it was not appropriate to apply the same standards throughout the EPPA and it would not take into account of, and would undermine the distinction between the sectors. In summary the Inspector concluded that the proposal would fail to maintain or enhance the special character of the EPPA, and would detract from the character and appearance of the street scene and wider area.</p>
<p>A0051.11 St Peters Church Gubbins Lane Harold Wood Romford <i>Post mounted notice board- illuminated</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Delegated</p>	<p>Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007</p> <p>The maximum luminance of the free standing sign hereby permitted shall not exceed 85 cd/m2.</p>	<p>Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. This appeal stems from application A0051.11 for which the council granted express advertisement consent. The appellant however appealed against one of the conditions which restricted the hours in which the illuminated signage would operate. The sole issue in this appeal is the effect of</p>

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				<p>Reason:-</p> <p>To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65</p> <p>The illuminated signage hereby approved shall be fitted with a timer to ensure that the signage is not illuminated between the hours of 9pm and 7am (the following day) on any day without the prior consent in writing of the Local Planning Authority.</p> <p>Reason:-</p> <p>To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with the LDF Core Strategy Development Control Policies Development Plan Document Policy DC61 and DC65</p> <p>INFORMATIVE:</p> <p>Reason for approval:</p> <p>The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61, and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>the extended hours of illumination of the signage on public amenity</p> <p>The church sits between buildings in community use in a predominantly residential area, and sits opposite residential dwellings in Gubbins Lane which is a busy main road with considerable traffic activity. It was noted that there was general evening activity in the area and included light from traffic signage and street lighting. The illumination of the signage late into the evening would in the Inspectors opinion would result in a significant visual intrusion to residents opposite and in the vicinity of the appeal site to a degree that would be harmful to public amenity.</p> <p>The reasoning for this was that although the nearest dwellings are on the opposite side of the road, this distance would not prevent nuisance arising from the lighting. Despite its luminance level and minimal noise, this would not mitigate the sense of intrusion. It was accepted that the church does have activities that take place beyond 21.00 hours, but operation of the illumination until midnight, or 23.30 hours as offered by the appellant in the appeal, would materially affect the amenities of nearby residential properties. The proposed hours of operation would result in a more continued intrusion than other public light sources in the vicinity, which are required in the interests of public safety rather than for advertisement.</p>

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				<p>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.</p>	
<p>A0067.11 119 Rainham Road Rainham <i>KFC advertisement scheme</i></p>	<p>Written Reqs</p>	<p>Part Approve/Part Refuse</p>	<p>Delegated</p>	<p>Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007</p> <p>The maximum luminance of the signage hereby permitted shall not exceed 800 cd/m² for each individual sign.</p> <p>Reason:-</p> <p>To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65</p> <p>The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.</p>	<p>Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The Council issued a split decision in which express advertisement consent was granted for (A) Illuminated Signage. The appeal relates only to the refusal of the totem sign and the main issue in this case was the impact of the totem sign upon the character and appearance of the locality.</p> <p>The appeal site is situated near the junction of Cherry Tree Lane and Rainham Road and is located in part of the Cherry Tree Corner Major Local Centre. Street furniture and advertising is not uncommon in the locality and the proposal would introduce a blade totem sign standing some 4m high into the street scene.</p> <p>The blade design, bold red colours, and internal illumination, would ensure that it would stand out and draw the eye from many vantage points along the road upon which it</p>

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				<p>Reason:-</p> <p>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.</p> <p>INFORMATIVE:</p> <p>1. Reason for approval</p> <p>The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61 and DC65 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>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</p>	<p>was sited and from the road junction. The Inspector stated that it was reasonable to assume that it would alert passers-by from all directions, to the presence of the business. It would be at odds with the character of the locality where commercial signs are predominantly understated. Appearing as an incongruous addition to the street scene it would result in unacceptable harm to the character and appearance of the locality.</p>

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				<p>permission was for extending or altering a dwellinghouse) is needed.</p> <p>The proposed blade totum sign would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 and DC65 of the LDF Core Strategy and Development Control Policies DPD.</p>	
<p>P0162.11 1 Aquarend Place St Mary's Lane Upminster <i>Erection of one industrial unit and demolition of existing timber storage shed</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature out of character in the locality and harmful to the appearance of the surrounding area within the Metropolitan Green Belt, contrary to Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The site is within the area identified in the LDF Core Strategy and Development Control Development Plan Document Policy DPD as Metropolitan Green Belt. Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues is this appeal are whether the proposal is inappropriate development within the Green Belt, whether the proposal would affect the openness of the Green Belt and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances.</p> <p>On the first issue, the National Planning Policy Framework (NPPF) advises that the replacement of a building need not be inappropriate, provided that the new building is in the same use and is not materially larger than the one it replaces. The proposed building would be materially larger than the building to be replaced in terms of height and footprint. Therefore it would constitute inappropriate development that is, by</p>

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				<p>very special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy.</p>	<p>definition, harmful to the Green Belt and, in conflict with the aims of the NPPF and Council policy DC45.</p> <p>On the second issue, the appeal site is located in an area of sporadic residential and commercial development located within open land. Buildings including the travelling show people site next to the appeal plot are visible in the landscape however the area has a general sense of openness. The replacement of the existing building and all containers in a single footprint would result in a significantly bulkier building which would materially reduce openness at the site, which would undermine the Green Belt setting.</p> <p>The Inspector considered that the development would be harmful to the GB by reason of inappropriate development, but that there would be additional harm arising from the effect of development of the scale proposed on its openness. The proposal would conflict with the aims of the NPPF policy DC45 and also policy DC61 as it would fail to maintain or improve the character and appearance of the local area due to its scale, massing and height.</p> <p>On the final issue of other considerations in favour of the proposal, it was noted that commercial need is a factor which, in principle, weighs strongly in support of the appeal proposal. However, during the site visit, it was evident that the existing storage building was being used for boat storage. The Inspector did not doubt that purpose-built</p>

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					<p>secure storage would be beneficial to the operation of the business, but the submitted evidence does not demonstrate that a building of the size proposed is required to meet an essential need.</p> <p>The appellant advised that 4 - 5 staff would be employed within the new building, but the evidence did not indicate that there would be any increase in staff, and limited weight was given to the potential for employment generation arising from the proposal. In summary the very special circumstances necessary to justify the development do not exist, and for the reasons outlined above, the appeal was dismissed.</p>
<p>P1812.11 36 Glenton Close Romford <i>Single/two storey side/rear extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its excessive width, bulk and mass, unbalance the appearance of this semi-detached house and appear as an unacceptably dominant and visually intrusive feature in the street scene, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>Informative</p> <p>The applicant is advised that in preparing any resubmission that the overall width, scale, bulk and mass of the development would need to be reduced to ensure the development provides a more subservient appearance.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed The main issue is the effect of the development on the character and appearance of the area. Glenton Close is located within a residential estate characterised by semi-detached and short terraces of two-storey dwellings on modest sized plots. No 36 is paired with No 35 and is in a prominent position on the corner with Glenton Way.</p> <p>The Inspector noted that the proposed extension would be nearly 4m wide and this would be too wide when compared to the width of the existing front elevation and would appear to be out of proportion to the original house. The footprint of the extension and the</p>

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					<p>extent and complexity of the proposed roof would not respect the scale of the house or its simple design. The overall size and bulk of the extension would appear to dominate, rather than being subservient to, the house and would not integrate with it satisfactorily.</p> <p>The prominent corner position of the appeal site means that the proposed alterations would be highly visible from the surrounding street scene. It would seriously disrupt the symmetry of this pair of semi-detached properties, which would be harmful to the street scene in this particular location. The proposed extension would encroach into the space between the existing flank wall and the wall that encloses the garden. This would introduce a sense of enclosure on the approach to the junction, disrupting its symmetry and adversely affecting the wider street scene. The flank wall of the proposed extension would also protrude beyond the building line of the properties on the eastern side of Glenton Way, failing to respect the existing layout of the estate.</p> <p>The Inspector concluded that the proposal would be harmful to the character and appearance of this pair of semi-detached properties and the surrounding area</p>
<p>P1735.11 94 Carter Drive Collier Row Romford <i>Two storey side & single storey front extensions</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its width, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to</p>	<p>Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues in this appeal are the effects of the proposed extension on the character and appearance of the area and</p>

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				<p>Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD</p>	<p>secondly whether the proposal would result in an unacceptable loss in the provision of off-street parking.</p> <p>The appeal property is a semi detached dwelling located on a corner plot. It has a glazed porch with a hipped roof that has been added to the front elevation. The proposal is to construct a two-storey side extension with a single storey element across the full width of the front of the house.</p> <p>The extension would be 4.5m wide, bringing the overall width of the house to 10m. The Inspector found that this would be a disproportionate increase in the size of the dwelling. As a result its overall bulk and mass would appear to dominate the host property and this would be accentuated by the single storey element that would extend across the full width of the ground floor. The proposed extensions would essentially change the appearance of the front of the house and disrupt the existing balance and symmetry of this pair of semis. This would be harmful given its prominent position in the street scene.</p> <p>On the parking issue, the proposal would necessitate the removal of a garage. Council guidance states that where proposals for side extensions result in the loss of on-site parking they will be acceptable if adequate provision is made elsewhere within the curtilage of the property. The Inspector considered that the provision of one space on the site would be acceptable without creating problems for</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					highway safety or inconveniencing local residents. This however was not sufficient reason to outweigh the conclusions in relation to the effects of the proposal on the character and appearance of the host property and the surrounding area.
<p>P0032.12 106 Haynes Road Hornchurch <i>Single storey rear extension raising of roof and rear dormer window</i></p>	Written Reqs	Refuse	Delegated	<p>The proposed rear dormer window would, by reason of its excessive height, width, bulk and mass, is unrelated to the existing dwelling and would appear as an unacceptably dominant and visually intrusive feature in the rear garden scene, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed rear dormer window would, by reason of its excessive size, French doors and Juliette balcony, close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues in this appeal were the effect of the proposed development firstly on the character and appearance of the area and secondly on the living conditions of neighbouring residents.</p> <p>The appeal property is an L shaped bungalow with a wing projecting forward at the front. The appeal proposal is for a single storey rear extension, attic conversion with roof alteration to facilitate rear dormer. The modest change to the height of the bungalow and the change to a gable ended roof would not be harmful. However, the dormer extension would be a very bulky feature that would extend across almost the whole of the rear of the house. It would completely alter the character of the dwelling when viewed from the rear as the original roof form would largely be obscured. The extension would also be to the rear and prominent in views of the rear of the property from the gardens of neighbouring properties. On this issue, the Inspector considered that the width height and mass of the proposal would fail to respect the form of the existing building.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>On the living conditions issue, the proposed double doors with Juliette balcony would result in some overlooking of the neighbouring rear garden. It was noted that there is significant planting along the site boundary and overlooking of rear gardens from neighbouring properties is not unusual in an urban setting. On this point the proposal would not cause unacceptable harm. This however did not outweigh the identified harm to the character and appearance of the local area.</p>
<p>P1934.11 188 Moor Lane Cranham Upminster <i>Single storey side extension to both flanks and single storey rear extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted. The Inspector noted that works have been partly completed and partly remained under construction. The main issue raised in this appeal is the effect of the proposal on the street scene. The appeal property is a detached chalet bungalow fronting Moor Lane with a side return to Laburnham Gardens. The character and appearance of the area is of a wide variety of well spaced, single and two storey dwellings. The appeal property is set well back from its Moor Lane frontage.</p> <p>The addition of a window to the front elevation of the single storey extension would be set sufficiently far back within the site that it would scarcely be noticeable from Moor Lane. Therefore there would be no harm to the street scene. The proposed flank extension along the return to Laburnham Gardens has been set in from that boundary. It extends further to the rear than the existing</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>building, but not beyond the rear line of the conservatory. Given its low scale and design, including its roof design, it was considered that there would be adequate open spacing to the rear and to the front of the extension to ensure that it would not appear over dominant in the street scene and respect the character of well spaced dwellings in the local area.</p> <p>The Inspector concluded that the scheme, taking both its individual elements as well as taken all together, does and would not harm the street scene.</p> <p>The appeal is allowed and the decision is noted. The Inspector noted that works have been partly completed and partly remained under construction The main issue raised in this appeal is the effect of the proposal on the street scene. The appeal property is a detached chalet bungalow fronting Moor Lane with a side return to Laburnham Gardens. The character and appearance of the area is of a wide variety of well spaced, single and two storey dwellings. The appeal property is set well back from its Moor Lane frontage.</p> <p>The addition of a window to the front elevation of the single storey extension would be set sufficiently far back within the site that it would scarcely be noticeable from Moor Lane. Therefore there would be no harm to the street scene. The proposed flank extension along the return to Laburnham Gardens has been set in from that boundary. It extends further to the rear than the existing building, but not beyond the rear line of the conservatory. Given its low scale and design,</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>including its roof design, it was considered that there would be adequate open spacing to the rear and to the front of the extension to ensure that it would not appear over dominant in the street scene and respect the character of well spaced dwellings in the local area.</p> <p>The Inspector concluded that the scheme, taking both its individual elements as well as taken all together, does and would not harm the street scene.</p>
<p>P0006.12 Rydal Mount North Road Havering Atte Bower <i>Retention of decking area</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The decking area, by reason of its excessive depth, width and height is an intrusive and insensitive development contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document</p> <p>The decking area, by reason of its design, bulk and height, results in an unsympathetic, visually intrusive development which does not preserve or enhance the special character of this part of the Conservation Area contrary to Policy DC68: Conservation Areas of the LDF Core Strategy and Development Control Policies Development Plan Document</p> <p>The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural</p>	<p>Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted The appeal was related to an application for retrospective planning permission for a decking area. The main issues raised in this appeal are firstly whether the building would be inappropriate development in the Green Belt and secondly its effect on the openness of the Green Belt and on the character and appearance of the local area and any other harm.</p> <p>The appeal property is a two storey detached dwelling on the north-west side of North Road, with residential properties on either side. The land slopes down from the front to the back of the site, and beyond the long garden is open countryside. The property lies within the Metropolitan Green Belt.</p> <p>The decking area, as built, extends to the full width of the property but leaves an open gap on either side to the property boundary. The use of wood for the decking and balustrade</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>character of the area so allocated and that residential additions will only be permitted where they do not constitute a disproportionate addition over and above the size of the original dwelling. The decking constitutes a disproportionate addition to the built up form of this property and is therefore contrary to Policies contained in PPG2 and DC45 of the LDF Development Control Policies Development Plan Document.</p>	<p>allows the decking to blend into the garden landscape. In the Inspector's opinion, it is seen as part of the garden rather than as a further addition to solid, built development on the site.</p> <p>One of the essential characteristics of the Green Belt is its openness and in this Context the Inspector did not find that the decking area, given its scale and use of natural materials, including the open balustrade, would harm the openness of the Green Belt and therefore the development was not found to be inappropriate development in the Green Belt.</p> <p>On the second issue, the extent to which the land has been made up to ensure a level surface did not appear visually intrusive within the garden in the Inspector's opinion. It was not considered that the decking area is visually intrusive or represents over development of the site or that it harms the character and appearance of the local area through an urbanising effect.</p>
<p>P0031.12 26 Wallenger Avenue Gidea Park Romford <i>Two storey side and rear extensions and single storey front and rear extensions</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension by reason of its scale, bulk, roof form and proximity to the boundary would infill the space at first floor level between the application dwelling and its neighbour giving rise to a cramped appearance which is uncharacteristic to the Gidea Park Special Character Area and harmful to street scene. For this reason the extension is considered to be contrary to the aims and objectives of</p>	<p>Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues are the effect of the proposed development on the character and appearance of the area and also on the living conditions of the occupants of neighbouring dwelling. The proposal is for the demolition of an existing conservatory to the rear and its replacement with a two storey extension to the rear and side of the dwelling</p>

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				<p>the Residential Extensions and Alterations Supplementary Planning Document, Policy DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed two storey side and rear extension would, by reason of its excessive width, depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of the Neighbour at No. 28 Wallenger Avenue contrary to Residential Extensions and Alterations Supplementary Planning Document and Policies DC61 & DC69 - LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The two storey side/rear extension would, by reason of its excessive width; height, bulk and mass appear as an unacceptable dominant and visually intrusive feature in the rear garden contrary to Residential Extensions and Alterations Supplementary Planning Document and Policies DC61 & DC69 - LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>and a single storey extension to the front.</p> <p>On the first issue, the Inspector considered that the proposed extension would be to both the side and the rear. The extension to the side would significantly alter the built form narrowing the gap between the dwelling and the neighbouring dwelling. This would result in a very cramped relationship with No.28 because of its width and depth. The proposed extension would simply extend the line of the front elevation at ground and first floor levels to the side and it would not appear subservient to the existing dwelling. The extensions would give the dwelling a much more bulky appearance and would add substantially to the bulk of the dwelling. The cumulative effect of the extension when seen from both the front and the rear would be harmful to the character and appearance of the area.</p> <p>On the second issue, the proposed extension would greatly restrict the outlook from the side facing window of the kitchen/dining room at neighbouring house No.28. The proposal would greatly restrict the amount of daylight to the side window making the room substantially darker than it is already and giving a very overbearing outlook which would be harmful to the living conditions of the neighbouring dwelling.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1748.11 216 High Street Hornchurch <i>Demolition of existing day room and study to the side of the property and construction of double storey side extension including the enlargement of the existing below ground garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed side extension would, by reason of its excessive width, position close to the boundaries of the site, front projection and overall design, result in visual harm to the character and appearance of the original dwelling and the openness and spaciousness of the site, having an adverse impact on the character of the street scene and this part of the conservation area, contrary to Policies DC61, DC68 and DC69 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of its design and appearance, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC68 and DC69 of the LDF Development Control Policies Development Plan Document and the provisions of PPS5.</p> <p>The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issues are the effects of the proposed development firstly; on the St Andrew's Conservation Area and whether it would preserve or enhance its character or appearance and secondly; on the living conditions of nearby residents in terms of overlooking. The appeal site is a detached 2-storey dwelling with an existing ground floor flat roofed side extension. A below ground level garage is situated under the extension.</p> <p>The appeal proposal is for a 2-storey pitched roofed side extension replacing the existing extension, and for the enlargement of the garage underneath. The proposed extension by reason of its height would be substantially more prominent in the street scene, notwithstanding the brick wall and timber gates on the High Street frontage of the appeal property. The Inspector considered that the 2-storey extension would with its increase in roof height and prominent hipped gable would add considerable bulk to the building and give it a discordant asymmetrical appearance to the front of the building. The proposed extension would therefore harm the character and appearance of St Andrew's Conservation Area.</p> <p>On the second issue, the proposed extension would be adjacent to a small block of flats. There would be two first floor windows on the rear elevation, one is a bathroom and the other is a bedroom. The bedroom window would be set away from the common</p>

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					<p>boundary and any overlooking of this area from this window would be at an angle. In any event the garden is a communal area overlooked already by those flats with first floor windows and the angle of the bedroom window to windows at the flats would prevent any material loss of privacy for their occupants. On this matter, it was concluded that the proposed development would not have a significant adverse effect on the living conditions of nearby residents in terms of overlooking. However, this did not outweigh the conclusions on the first issue.</p>
<p>P1179.11 13 Melstock Avenue Upminster <i>Two storey side extension</i></p>	<p>Written Reqs</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its unsatisfactory roof design, fail to relate acceptably to the appearance of this detached property. Moreover, due to the close proximity of the development to the public highway, the proposal would appear as an unacceptably dominant and visually intrusive feature in the street scene. The development is therefore harmful to the character and appearance of the surrounding area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed. The main issue in this appeal is the effect of the development on the character and appearance of the surrounding area. The site comprises a two-storey detached house on the corner of Melstock Avenue and Coniston Avenue. The proposal is for a two-storey part-depth side extension that would align with the rear elevation of the building.</p> <p>It was noted that the footprint of the proposed extension would be significantly closer to the highway boundary than the 1m minimum spacing advised in the Council's SPD (a guidance document for extensions and alterations). The extension would also sit forward of the building line in Coniston Avenue, contrary to the advice of SPD, however the side elevation of the existing house already lies in front of this line. In the</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>Inspectors view, given the significant distance between the rear of appeal site and the first house in Coniston Avenue would be sufficient, not to be significant.</p> <p>The extension would intrude into the open space that is a characteristic of this corner plot. It would be a prominent feature in the street scene that would dominate views along the road. Its proximity to the boundary would be likely to necessitate partial removal of the hedge to facilitate construction, thus further exposing the extension to view. The Inspector therefore concluded that the proposed development would adversely affect the character and appearance of the surrounding area.</p>
<p>P0186.12 39 Elmhurst Drive Hornchurch <i>First floor side extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>1. The proposed development would, by reason of its height, orientation and proximity to neighbouring properties cause an unacceptable loss of light, which would have a serious and adverse effect on the living conditions of the adjacent occupier, No 41 Elmhurst Drive, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue is the effect of the proposed development on the living conditions of residents at No 41 Elmhurst Drive in terms of possible loss of light. The appeal property is a semi-detached 2-storey dwelling which has been previously extended at ground floor level to the side and rear.</p> <p>The Council's guidance on Residential Extensions and Alterations states that side extensions will not be permitted where they break a 45 degree line taken from the sill of a primary original window serving a habitable room on the outside wall of an adjoining house. The appeal property is to the south of</p>

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					<p>the neighbouring property and it was accepted by the appellant that the proposed extension would encroach the 45 degree line from the kitchen window and, due to its orientation, would reduce the amount of sunlight entering that window.</p> <p>The Inspector visited the neighbouring property and determined that the side window was the primary window in the room. It was noted that the light reaching the side window is already limited by the blank wall of an existing single storey extension. In the view of the Inspector, the height, orientation and proximity of the proposed extension would be such that and there would be a significant reduction in both sunlight and daylight reaching the side window. The proposed extension therefore would have a significant adverse effect on the living conditions of residents of the neighbouring property.</p>
<p>P0270.12 2 Avon Road Upminster <i>Demolition of existing outbuildings and construction of a two storey side and part single storey side and rear extensions and internal alterations</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would be an intrusive and unneighbourly form of development, which would be oppressive, dominant, overbearing and give rise to an undue sense of enclosure in the rear garden environment to the detriment of residential amenity, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The appeal is allowed and the decision is noted</p> <p>The main issue in this case is the effect on the living conditions of adjoining occupiers. The appeal property is a gable fronted semi-detached house with a gap to its side boundary and parking to the front. To its west side is a corner property located in Hall Lane which has been substantially extended on its Avon Road frontage. The Council raised no objections to the design and form of the extension. Due to the set back of the first</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p data-bbox="1487 245 2024 395">floor of the extension and the Inspector agreed that it would appear subservient to the main dwelling. Its design would also suitably relate to the existing building and be in accord with the character of the area.</p> <p data-bbox="1487 427 2024 959">The Council's main concern related to the impact of the extension on the rear garden environment. A section of the side wall of the appeal property would be brought much closer to the boundary of a neighbouring property and its rear garden. The impact of this flank wall would be reduced by its set back from the boundary. An outbuilding at the appeal site which rises above the fence line would be removed. The roof of the two storey part of the extension would be hipped away from the boundary and therefore, at this level its impact would, again, be reduced. Overall, whilst the side wall of the extension would result in a greater enclosure, the Inspector did not think this would be overpowering or unduly harmful to this rear garden area with its open southerly aspect</p> <p data-bbox="1487 991 2024 1342">The Inspector considered that the appellants demonstrated that, due to the orientation of the properties, the proposed extension would have only a limited impact in terms of over shadowing of the courtyard area of a neighbouring garden, with the effect being restricted to the early morning period. In summary the proposal would not unduly harm the living conditions of the adjoining occupiers by reason of being oppressive, over dominant, overbearing or creating any undue sense of enclosure.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments

TOTAL PLANNING = 25

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APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/306/09/EM County Service Station Essex Gardens Hornchurch</p>	<p>Written Repts</p>				<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed, planning permission is refused and the notice is upheld. The decision is welcomed. The appeal relates to a former petrol filling station situated on the south side of Essex Gardens at the junction of Wingletye Lane. The surrounding area is mainly residential in character although the site is located in small enclave of commercial premises which include a vehicle repair workshop to the east and a small shopping parade.</p> <p>The Council's reasoning for serving the Enforcement Notice is that the car wash and valeting business has harmed the amenities of neighbouring residents as a result of noise and disturbance. The appellant appealed against the notice on ground A which is that planning permission should be granted for breach of planning control alleged in the Enforcement Notice. There were two main issues in this case. The first is the effect of the development on the living conditions of the surrounding residents and the second is its effect on the highway conditions.</p> <p>The appellant argued that noise levels from the use are comparatively insignificant compared to the activities at the vehicle repair workshop. However, no evidence in support of this argument, such as a noise assessment was provided. The noise from the car wash and valeting business has created significant disturbance to residents living in the vicinity, especially those opposite in Essex Gardens. The noise produced</p>

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<p>ENF/306/09/EM County Service Station Essex Gardens Hornchurch</p>	<p>Written Repts</p>				<p style="text-align: center;">Dismissed</p> <p>comes from high pressure washers 'blasting' water onto cars and from vacuum cleaners that are used for long periods, which intrudes on the enjoyment of the house and its gardens. Furthermore a procession of vehicles passing through the washing/ valeting area and the general hubbub of activities upon the site is likely to be intrusive to residents in the vicinity.</p> <p>The Inspector noted the relationship of the site to its surroundings including residential dwellings and the fact the use is conducted in the open. Although planning conditions were suggested by both the Council and the appellant, the Inspector considered that these would not adequately mitigate the noise and disturbance arising from the use. In summary it was found that the car wash and valeting business significantly harms the living conditions of surrounding residents due to noise and disturbance.</p> <p>On the second issue, the Council's considered that the car washing and valeting activities had resulted in on-street parking along Essex Gardens and Wingletye Lane, to the detriment of road safety and the free flow of traffic. The appellant did set out how the car wash operated but did provide any detailed information concerning the typical throughput of vehicles on an hourly or daily basis. The Inspector noted that if the business proved to be successful, then the capacity of the site to accommodate customer and staff vehicles might be</p>

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<p>ENF/306/09/EM County Service Station Essex Gardens Hornchurch</p>	<p>Written Reps</p>				<p>Dismissed exceeded at certain times and it would be unlikely that customers would be turned away. It was also noted that there is a parking problem in the area due to the shops and local schools and the indication from representations including London Buses is that the car wash business adds to this problem and has caused additional on-street parking. The Inspector concluded that the continuation of the business would exacerbate the parking and traffic congestion that occurs at certain times in the vicinity of the nearby road junction and the bus stop in Essex Gardens. The appeal was dismissed, planning permission was refused and the enforcement notice was upheld without correction or variation to its requirements.</p>

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<p>ENF/421/10/EL 11 Ryder Gardens Hornchurch</p>	<p>Written Repts</p>				<p style="text-align: center;">Dismissed</p> <p>The appeal is dismissed, planning permission is refused and the notice is upheld. The decision is welcomed. The appeal relates to a two storey semi-detached property situated in a mainly residential area. The Council discovered during September 2010 that the property was not being used in accordance with the terms of planning permission P0574.09 granted in September 2009 for 'Part change of use of existing dwelling into day nursery for up to 12 children with three carers (opening hours: 8:00am-6:30pm Mon-Fri)'.</p> <p>The first floor was being used as part of the day nursery, whereas the application drawings indicated this would be retained as residential accommodation. A retrospective planning application (P1328.10) for 'Change of use of first floor from residential to nursery and increase of number of children on site from 12 to 36 and number of children outside from 6 to 12 and 1m boundary fence' was refused in November 2010. A planning appeal was dismissed on 12 September 2011.</p> <p>The appellant appealed against the notice on ground A which is that planning permission should be granted for breach of planning control alleged in the Enforcement Notice. There are two main issues in the appeal. The first is the effect of the development on the living conditions of the neighbouring residents, particularly in terms of noise and disturbance. The second is its effect on the prevailing highway conditions in the area.</p>

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<p>ENF/421/10/EL 11 Ryder Gardens Hornchurch</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>The planning merits of the unauthorised use of the property were effectively addressed by the Inspector who dismissed a planning appeal in September 2011. The Council considered that there had been no material change in planning circumstances in the six months from the previous appeal decision. The Inspector in the Enforcement Notice agreed entirely with the conclusions reached in the planning appeal.</p> <p>Representations of local residents highlighted that noise and disturbance arising from the use of the property continues to be a significant problem and the intrusive impacts of the unauthorised use have continued unabated. The Inspector concluded the scale of the nursery use has seriously harmed the living conditions of nearby residents due to noise and disturbance. The use is conflict with Council policy for community facilities which seeks to ensure that these do not have a significant adverse affect on residential amenity of neighbouring properties.</p> <p>On the second issue, the Council argued that there is inadequate provision on the site for off-street parking and an absence of drop off points for parents, which leads to an unacceptable level of on street parking, increasing congestion in the area and harming road safety.</p> <p>The appellant submissions did not provide any firm evidence to indicate the traffic generation associated with this use is</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/421/10/EL 11 Ryder Gardens Hornchurch</p>	<p>Written Repts</p>				<p style="text-align: center;">Dismissed</p> <p>minimal. The appellant did not provide a Transport Plan or any other evidence to demonstrate the majority of trips associated with the use involved the use of sustainable modes of transport. The planning merits relating to the highways issues were also addressed by the Inspector who dismissed a planning appeal in September 2011. The Inspector in this Enforcement Notice again agreed entirely with the conclusions reached in the planning appeal. In summary it was concluded that the use contributes to parking and traffic congestion in the vicinity of the road junction and the surrounding area, thereby leading to an unacceptable deterioration in the local highway conditions.</p> <p>The appellant also argued that lesser steps would overcome the harm caused by the use however the arguments put forward appear to address the planning merits of the development. The Inspector did not agree that lesser steps would not remedy the breach of planning control. The appellant argued the period given to comply with the notice was too short and that the time for compliance with the notice should be extended to 6, 12, 18 or 24 months. This would give the appellant more time to allow all the parties involved to make alternative childcare arrangements. No compelling evidence was provided to show that even a 6-month period would be necessary to allow alternative arrangements to be explored. The Inspector agreed that a 3 month period for compliance with the notice was a</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/421/10/EL 11 Ryder Gardens Hornchurch	Written Reps				<p style="text-align: center;">Dismissed</p> proportionate and reasonable response to the breach of planning control. The Inspector dismissed the appeal, refused planning permission and upheld the enforcement notice with a correction and a variation to one of the requirements of the notice.

TOTAL ENF = **2**

LIST OF APPEAL DECISIONS MADE BETWEEN 19-MAY-12 AND 17-AUG-12

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<u>Summary Info:</u>					
Total Planning =		25			
Total Enf =		2			
Appeals Decided =		28			
Appeals Withdrawn or Invalid =		1			
Total =		27			
	Dismissed		Allowed		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	20	74.07%	7	25.93%	

REGULATORY SERVICES COMMITTEE

13 SEPTEMBER 2012

REPORT

Subject Heading:

Schedule of Enforcement Notice

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685

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

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

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 21 June 2012.

RECOMMENDATIONS

For consideration.

REPORT DETAIL

Schedule A shows current notices with the Secretary of State for the Environment awaiting appeal determination.

Schedule B shows current notices outstanding, awaiting service, compliance, etc.

An appeal can be lodged, usually within 28 days of service, on a number of grounds, and are shown abbreviated in the schedule.

The grounds are:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred (as a matter of fact);
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the enforcement notice were not served as required by Section 172;
- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

BACKGROUND PAPERS

Schedule A & B.

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SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
59-61 Warwick Road Rainham ENF/144/11/RW	Alleged unauthorised use of garage to car repairs	Delegated	22-08-11	17-10-11
Cranham Hall Farm The Chase Cranham Upminster ENF/541/08/UP	Alleged unauthorised change of use of Green Belt land to garden areas (3 Notices) Alleged unauthorised erection of fences (3 Notices) Alleged unauthorised construction of outbuildings (2 Notices)	Committee 17-11-11	15-03-12	13-04-12
178 Crow Lane Romford	Alleged unauthorised breach Notice A. Erection of steel clad building Notice B. Erection of canopy building structure	Committee 03-11-11	12-01-12	06-06-12
The Squirrels Public House 420 Brentwood Road Romford	Alleged unauthorised change of use to car wash	Delegated	09-05-12	08-06-12

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Benskins Lane east of Church Road Harold Wood Romford	Alleged unauthorised hardstanding	Delegated	14-05-12	14-06-12
Chequers Public House North Street Hornchurch	Alleged unauthorised change of use to car wash	Delegated	05-07-12	02-08-12

SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Farm) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	To reinstate land 31-07-12
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land .
Arnolds Field, Launder's Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed 27.11.05	Enforcement Notices upheld. Pursuing compliance.
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Conditional discharge 2 years. Costs £350.00 . Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance.
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed 01.02.07	No action at present time Notice remains on land.
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed. Enforcement Notice varied. 2. Use. Appeal Dismissed. Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed 02-05-2008	Pursuing compliance.
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08 24-04-09	23.12.08 24-04-09	02-02-09 26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance/prosecution pending.
137 Marks Road Romford	Use _ Unauthorised conversion to flats	Committee 05-02-09	06-05-09	08-05-09			Pursuing compliance
57 Nags Head Lane Brentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
Chanlin Boxhill Road Covering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed	Temporary planning permission expires 25-11-13
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
111 Albany Road Hornchurch	Use	Committee 19-11-09	22-12-0-	22-12-09	03-12-10	Appeal dismissed	Pursuing compliance
11 Wolseley Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	09-03-10	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
15 The Former Brook Street Service Station Winchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
15 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Pursuing compliance
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
39 Benets Road Hornchurch	Use	Committee 26-08-10	29-11-10	29-11-10	09-12-10	Appeal dismissed	Pursuing compliance
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Withdrawn 12-10-11	Monitoring
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11		Pursuing compliance/prosecution pending
Small Acres Folkes Lane Upminster	Use /development	Committee 19-05-11	25-07-11	27-07-11			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11		See Schedule A
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11	Dismissed 11-06-12	Pursuing compliance
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11	Dismissed 06-06-12	Pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Dismissed 15-03-12	Pursuing compliance
200 P a g e 5 3 Wilkes Farm (Field) Wilkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
178 Crow Lane Romford	Development x 2	Committee 03-11-11	12-01-12	12-01-12	06-06-12		See schedule A
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12		See Schedule A (Notices appealed 8)
2 Pettley Gardens Romford	Development	Committee 15-03-12	09-05-12	09-05-12			Pursuing compliance
The Squirrels Public House 420 Brentwood Road Romford	Use	Delegated	09-05-12	09-05-12	08-06-12		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12		See Schedule A
Chequers Public House North Street Hornchurch	Use	Delegated	04-07-12	05-07-12	02-08-12		See Schedule A
178 Crow Lane Romford	Development	Committee 03-11-11	12-01-12	12-01-12	07-06-12		See Schedule A
186A Main Road Romford	Development	Committee 17-05-12	30-07-12	01-08-12			Pursuing compliance
Abions Farm Collier Row Road Romford	Use	Committee 17-05-12	28-06-12-	02-07-12			Pursuing compliance

REGULATORY SERVICES COMMITTEE

13 SEPTEMBER 2012

REPORT

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685

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

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

SUMMARY

This report updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured.
4. There are two prosecutions pending this quarter.

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions.

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

REGULATORY SERVICES COMMITTEE

REPORT

13 September 2012

Subject Heading:
10

**P0745.12 – Corner of Lambs Lane
North and New Road, Rainham**

Redevelopment to provide 28 residential units, new access road, associated car parking and landscaping. (Application received 6 July 2012 and revised plans received 13 August 2012 and 31 August).

Report Author and contact details:

Helen Oakerbee 01708 432800
Helen.oakerbee@havering.gov.uk

Policy context:

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

Financial summary:

None

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

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

SUMMARY

The application is for the redevelopment of this site to create 28 units, comprising 22 houses and 6 flats. All of the units are proposed as affordable housing. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues, although a degree of judgement is required in respect of issues relating to the layout and design and massing of the proposed dwellings. The proposal is judged to be acceptable in all material respects and, subject to the completion of a Legal Agreement and conditions, it is recommended that planning permission is granted.

RECOMMENDATIONS

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

- The provision of a minimum of 50% of the units within the development as affordable housing in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £168,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The submission of a landscape management and maintenance plan to include the aftercare of the planting and a scheme of future maintenance.
- 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations 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 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 following plans and documents:

596-(P) 001 Site Location Plan
596-(P) 002 Site Survey

596-(P) 003A Site Layout and Roof Plan
596-(P) 004 Overall Ground Floor
596-(P) 005 First Floor
596-(P) 006 Second Floor
596-(P) 007 Landscape Plan

596-(P) 009 – 030 House types 1-9, plans and elevations

596-(P) 031 Elevations
596-(P) 032 Street Scenes and Internal Elevations

Bir.4009-03A Landscaping proposals
Bir.4009-02 TPO Tree Protection Proposals and Method Statement

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

5. Landscaping – The development shall be carried out entirely in accordance with the hard and soft landscaping proposals shown on drawings no. Bir.4009-03A hereby approved. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

6. Works to Protected Trees: Works on site shall be carried out in accordance with the TPO Tree Protection Proposals and Method Statement shown on drawing number Bir.4009-02 hereby approved, unless otherwise submitted to and approved in writing by the Local Planning Authority.

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

7. 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 submitted to and 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.

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

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

9. Boundary treatment – The development shall be carried out in accordance with the details of boundary treatment shown on drawing number 596 (P)007 hereby approved unless alternative drawings are otherwise submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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

10. Details of Metal Railings – Details, including design, colour and finish of the metal railings shown on drawing number 596 (P)007 hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to being erected on site. The metal railings shall be erected on site before the dwellings are first occupied in accordance with the approved details and retained permanently thereafter.

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

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

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

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

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

13. Biodiversity –The development shall be carried out in accordance with the recommendations set out in Section 5 of the Extended Phase 1 Habitat Survey dated April 2012 and received on 12 June 2012 and the developer shall provide evidence of this through the submission of a programme of work to accord with these recommendations, which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

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

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

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

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

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

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

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

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

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

17. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

- a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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 protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

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

Reason: The development of this site may damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design to accord with English Heritage guidelines and to accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

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

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

20. Renewable energy - The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the residential occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

21. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings 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.

22. Details of ground levels - Prior to the commencement of the development details of the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

23. Site Waste Management – The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 6 July 2012 unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable development practices.

24. Noise from Adjacent Premises – Before any development is commenced, a scheme for protecting the proposed dwellings from noise from adjacent commercial and industrial activities shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the dwellings are occupied.

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

25. Road Traffic Noise - Prior to the commencement of work on the development hereby approved, an assessment shall be undertaken of the impact of road noise emanating from New Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, Calculation of Road Traffic Noise,

1988. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation of any dwelling.

Reason: To protect future residents against the impact of road noise in accordance with the National Planning Policy Framework and Planning Policy Guidance Note 24, Planning and Noise.

26. 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 under Classes A, B, C 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.

27. Alterations to Public Highway: 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 CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

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

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

29. Road Safety Audit: The changes to the access junction on the New Road shall be subject to the 4-stage full road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads & Bridges and recommendations reasonably dealt with. A Stage 1/2 RSA shall take place prior to any construction and details submitted for agreement in consultation with the Highway Authority.

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

INFORMATIVES

1. In aiming to satisfy condition 11 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the 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 conditions.
2. 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.
3. 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.

Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document.

In addition, the proposal is considered to comply with the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD.

The development is considered to accord with the provisions of the National Planning Policy Framework, as well as Policies 3.3, 3.4, 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6, 7.8, 7.15, 7.19 and 8.2 of the London Plan.

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 has an area of 0.6 hectares and is located to the northern side of New Road (A1306) at its junction with Lambs Lane North. The site is in a dilapidated and overgrown condition and has been vacant for some years. There are a number of trees within the site and the site is subject of a Tree Preservation Order (TPO 13/07), which includes oak trees to both the New Road and Lambs Lane frontages of the site. The site incorporates a soft landscaped area of highway verge to the site frontages on to New Road and Lambs Lane. There are no significant changes in levels across the site. There is presently no vehicular access to the site.
- 1.2 Towards the west of the site there is a row of 5 residential dwellings, which vary in character and architectural style. Beyond these is the Walls Garage site. To the north/north-eastern side of the site lies the Imperial Industrial Estate, which is a long-standing industrial area characterised by single storey, pitched roof workshop buildings. Aside from the industrial estate surrounding development extending to the north, south and west of the site is principally residential in character. To the east of the site, from the opposite side of Lambs Lane North, lies the Metropolitan Green Belt and from this point eastwards the locality begins to takes on a more open, spacious character.

2. Description of Proposal

- 2.1 The application is for redevelopment of the site to provide a total of 28 residential units. The existing vehicular access to the site would be widened and the junction improved to provide access to the development. To the western side of the access, would be a pair of semi-detached houses fronting on to New Road. To the eastern side of the access, it is proposed to construct a short terrace of five houses, which would face into the site and back on to New Road. A further terrace of three houses would be built facing out on to Lambs Lane. The remainder of the units, comprising a further 12 houses and a flatted block, would be built within the site arranged around a central access road, which runs towards the eastern boundary of the site.

- 2.2 The proposals involve the removal of one TPO oak tree to the Lambs Lane frontage of the site and the retention of four TPO trees to the New Road frontage. The application site incorporates adjacent highway verge in order to maximise soft landscaping opportunities and the proposals include full and detailed landscaping proposals as an integral part of the application.
- 2.3 The development is principally for houses, of which there will be 2 no. 2 bed, 17 no. 3 bed and 3 no. 4 bed units. The development also includes 6 no. 2 bed flats within a single block towards the northern boundary of the site. A total of 44 parking spaces are provided at a ratio of one space per flat, 1.5 spaces per 2 & 3 bed unit and 2 spaces per 4 bed unit.
- 2.4 The proposed dwellings consist of a total of 9 different house types. However, although the dwellings vary in terms of scale and footprint, they are overall of a consistent architectural style and materials. Materials are traditional and indicated to be grey concrete roof tiles, light buff/brown colour brick and white render, grey fascia boards and window frames. The dwellings are of a simple architectural style with feature created by irregularly positioned and, in some cases, full height window details. All of the dwellings have a relatively high ridge height created by the degree of the roof pitch and almost all are designed to include living accommodation within the roofspace.
- 2.5 The houses fronting Lambs Lane (plots 1-3) typically measure 6m wide by 7.2m deep and 9.3m high to the ridge of a gable ended roof. This is similar to the houses on plots 4-8, although these back onto New Road rather than facing on to it. The pair of semi's facing New Road (plots 9 & 10) again are of similar footprint but have a dropped ridge detail going from 9.7m at its highest point to 9.3m. There is a single detached dwelling within the development (plot 11), which is a 4 bed unit and wider and deeper than some of the other units with a ridge height of 9.6m. Houses on plots 12-15 are similar to those elsewhere in the development (i.e. plots 1-8). Houses on plots 16-18 are again similar but arranged as a short terrace and with a dropped ridge detail akin to that on the frontage plots 9 & 10. Plots 19-22 are slightly different in that they are arranged as two pairs of semi-detached houses with linking garages. The houses on plots 20 and 21 are wheelchair adaptable and are the only two houses without roof accommodation. These units are 9.3m high.
- 2.6 The proposed flats are within a single, three storey building. Owing to its flat, slightly sloped roof design the building is lower than the housing at an overall height of 9m. The flats are of brick and render and each has a balcony of some 7.5 square metres. The flats have a separate cycle store and an integral bin store.
- 2.7 The application is accompanied by a suite of supporting documents including a planning statement, design and access statement, road safety audit, habitat survey, contamination ground investigation report, noise assessment and energy reports.

3. Relevant History

3.1 There is no previous planning history of direct relevance to these proposals.

4. Consultations/Representations

4.1 The application has been advertised on site and in the local press as a major development and neighbour notification letters have also been sent to 68 local addresses. 2 letters of representation have been received objecting to the proposal on the following grounds:

- proposal is over-development of the site and out of character
- insufficient parking
- overlooking
- dangerous road junction
- loss of TPO trees
- bat survey should be undertaken
- harm to wildlife
- increase in traffic
- loss of light
- loss of privacy
- noise and smells, particularly from refuse store
- will put strain on existing utilities

4.2 English Heritage (GLAAS) advises that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken.

4.3 The Borough Crime Prevention Design Advisor has met with the applicant to discuss the proposals and confirms that crime prevention measures have been considered in the design of the proposals. On this basis no objections are raised to the development subject to conditions relating to community safety.

4.4 Environmental Health request conditions relating to land contamination, noise insulation and working hours if permission is granted.

4.5 Highways have no objections to the proposals.

4.6 Thames Water have no objections to the impact on sewerage infrastructure.

4.7 Essex & Suffolk Water advise existing apparatus not affected. Consent given on condition that a new water main is laid onto the site and connection made to the company network for each dwelling.

4.8 The Fire Brigade (Access) has advised that it is satisfied with the proposals.

4.9 Housing support the application on the basis that 100% of the units are proposed as affordable housing, exceeding policy requirements. The Council's Partnerships & Development Team have been in dialogue with

Estuary Housing Association and are supportive of the tenure choice for the site. The unit mix fits with demand in the Borough and the proposal also provides 2 fully adapted wheelchair units.

5. Relevant Policies

- 5.1 Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

In addition, the draft Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of development, the density and layout of the new development and the impact of its design, scale and massing on the character and amenity of the locality, the quality of the proposed residential environment, parking and highway matters, the impact on local residential amenity, environmental issues, affordable housing and the impact on community infrastructure.

6.2 Principle of Development

- 6.2.1 The application site is not within a designated land use area and therefore its redevelopment for residential purposes is considered to be acceptable in

principle and to accord with Policy CP1 of the Local Development Framework (LDF).

- 6.2.2 There are no existing buildings on the site and the site is not of any particular heritage interest. A programme of archaeological investigation can be secured through condition. The proposal would contribute to the provision of housing within the Borough and therefore complies in principle with Policy CP1 of the LDF and Policies 3.3 and 3.4 of the London Plan.

6.3 Density and Site Layout

- 6.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare applies. The application site has an area of 0.6 hectares and proposes 28 new dwellings. This equates to a development density of 46.6 units per hectare and is within the range specified in Policy DC2.

- 6.3.2 The development proposes a mix of houses and flats and provides units ranging from 2 to 4 bedrooms, with the majority of the units providing family housing. This complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. Internal unit sizes comply with Policy 3.5 of the London Plan.

- 6.3.4 In respect of site layout, the application proposes an access point taken from New Road and main access road running northwards then curving round towards the western end of the site. The layout of the site is considered to provide a reasonably spacious arrangement of the dwellings, all of which have access to private amenity space, which in terms of size, layout and usability meet the guidance in the Residential Design SPD. The flats have a communal landscaped setting and each of the flats has a useable south facing balcony space of 7.5 square metres, which also accords with the Residential Design SPD.

- 6.3.5 The units to the New Road and Lambs Lane frontage of the development are set back from the site boundaries within landscaped settings. Detailed landscaping proposals have been submitted with the application. This will be considered more detail later in this report but, in principle, the position of development relative to the site boundaries and the provision of a landscaped edge to the site is considered to relate well to the character of the area. Consideration has been given to the relationship of the development with the Green Belt land to the east of the site. However, it is considered that Lambs Lane forms an effective point of transition between the Green Belt to the east and the more suburban character to the west. The proposed development, limited to two storeys high to the site frontages and the soft landscaped boundary treatment is considered to respond acceptably to this transition in character and not to harm the intrinsic open character of the nearby Green Belt.

- 6.3.6 A key issue for consideration however is the layout of the development on plots 4-8. Whilst the dwellings on either side (plots 1-3 and 9-10) face out on to Lambs Lane and New Road, those to plots 4-8 face into the site. The consequence of this is that this part of the development effectively 'turns its back' on the New Road streetscene, presenting a view of the rear elevations and rear gardens, along with boundary fencing, to the public realm. Staff have discussed this issue at length with the scheme architects, who have put forward a number of factors in support of this element of the scheme. These are, that owing to the speed of traffic using New Road, dwellings to the New Road frontage cannot have direct vehicular access to this road, meaning that parking areas need to be created within the site. If all of the houses were designed to face outwards onto New Road the parking would be at the back of the gardens. This would create a barren area within the development dominated by rear garden fences and car parking. Such an area would have limited natural surveillance making it a less desirable place to park and reducing the extent to which this area is used. The scheme architects believe this would create a more hostile environment than the scheme as designed.
- 6.3.7 The scheme architect considers that by having plots 4-8 inward facing this will create a more pleasant living environment, forming a cul-de-sac where there is street level movement and activity, creating a sense of ownership to the individual front gardens and thereby making the area less vulnerable to crime and encouraging its general upkeep.
- 6.3.8 Staff have discussed these issues in detail with the applicants and it is considered that the arguments put forward in terms of the benefits to the internal living environment of the site are persuasive. However, Staff have raised concerns about the consequent visual impact of the development as seen from New Road. In response to these concerns, comprehensive landscaping details have been submitted with the application. These proposals have been further refined with advice from the Council's tree officer and, in addition to the retention of the majority of the TPO trees, include the addition of further tree planting and a hazel hedge to the rear boundary of plots 4-8 (fronting New Road), as well as further extensive planting. The Council's tree officer has confirmed that the removal of a single TPO trees from the Lambs Lane frontage is acceptable to facilitate the development of the site and that the proposed landscaping scheme is of a sufficiently high standard to mitigate the loss of this tree, as well as to provide high quality screening of the rear fences of plots 4-8 in both the short and longer term.
- 6.3.9 The acceptability of the arrangement of plots 4-8 is a matter of judgement for Members. Staff consider there is merit to the layout proposed in terms of the functioning of the internal part of the site and are satisfied that the landscaping proposals would acceptably mitigate against the visual impact of the development on the New Road streetscene. Conditions would be required in order to ensure that the landscaping is carried out in accordance with the currently submitted details and to determine ongoing maintenance. Staff also recommend that permitted development rights for these houses

be removed, including for outbuildings, to further control the visual impact of any further development in the streetscene. On this basis Staff consider the layout of this part of the development, on balance, to be acceptable.

6.3.10 The Borough Crime Prevention Design Advisor has been consulted at pre-planning stage and it is considered that reasonable measures have been undertaken to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.

6.3.11 The development is designed to Lifetime Homes standard and 2 of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

6.4 Design and Visual Impact

6.4.1 Architecturally, the proposed dwellings have a traditional appearance, constructed predominantly of brick with a tiled pitched roof. Visual interest is added to the buildings by way of the fenestration, which is irregularly spaced and includes a number of full height window openings. There is no predominant character to development in the locality, although built form, materials etc. tend to be of traditional appearance, such that the proposed development is considered to be appropriate to the locality. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

6.4.2 In terms of scale and massing, the proposed dwellings are predominantly two storey, although they are designed with a steep roof pitch, which enables accommodation to be provided in the roofspace. Staff have no concerns with regard to the height of the development as viewed from within the site, as the development will effectively establish its own character, but judgement needs to be applied to the visual impact of the dwellings as viewed from the Lambs Lane and New Road streetscenes. The dwellings will appear tall, despite their two storey nature, owing to the steepness of the roof pitch and gable ended roofs. This is particularly so given the diminutive nature of neighbouring houses (Yuccas, Jedwinds and Woodside are bungalows; Brittany a chalet bungalow; West Hoathley and The Chimes two storey) and the position of the proposed dwellings forward of those adjacent. Survey drawings however indicate a ridge height of around 9m for the nearest dwelling to the west of the site compared to some 9.7m for the dwelling proposed on Plot 10. The proposed development would therefore represent a gradual rise in building height from west to east, which Staff consider acceptable in principle. Members may take the view that the scale, height and bulk of the development would be harmful to local character and the streetscene. However, Staff consider, given the eclectic character of the small number of houses close to the application site, that it is reasonable for this development to set its own character. In view of the two storey housing adjacent to the site, plus the industrial character of land to the rear and other relatively new flatted development nearby (e.g. Lombard Court, Arterial

Avenue), Staff consider the development need not necessarily fully reflect the height or architecture of surrounding buildings and would have an acceptable visual impact in its own right.

- 6.4.3 The development also includes a flatted block close to the northern boundary of the site (plots 23-28). This is of a different character to the housing, largely owing to its slightly sloping, flat roof design. However, it carries through elements of the housing design, such as through the use of materials (specifically the brick and window materials) and in part, mainly to the rear elevation, uses a similar pattern of fenestration. The flatted block would be set well back from streetscene owing to its location to the north of the site but would be visible in views along the access road. The scale, proportions and design of the flatted block is however considered to integrate well with the remainder of the proposed development and would not appear materially out of scale or character in the surrounding area.

6.5 Impact on Amenity

- 6.5.1 In terms of the impact on amenity, the occupiers of the residential property north of the site, Yuccas, and to the west of the site fronting New Road are those most directly affected by the proposals.
- 6.5.2 In terms of the relationship of the development with Yuccas, this is a single storey bungalow and the proposed development will be taller than this property. The closest proposed dwelling to Yuccas is on Plot 1. It sits just over 1m in from the shared boundary and is positioned forward of Yuccas. It is considered this prevents an overbearing impact or material loss of light to Yuccas. Yuccas has a flank window which would be impacted by the new house but this is a secondary window to what appears to be the lounge and the main front facing bay window to this property would not be materially affected. The rear garden of Plot 1 will run alongside the flank of Plot 1 and with 1.8m high boundary fencing proposed the relationship between these properties and consequent impact on amenity is considered acceptable. Parking in this part of the site will be set away from the shared boundary and the refuse store for the flats, referred to in representations from occupiers of the Yuccas, will be some 20m from the rear boundary of this dwelling and in an enclosed store, preventing nuisance from smell.
- 6.5.3 Towards the west of the site, the nearest property is The Chimes. This and the adjacent West Hoathley, form a two storey semi-detached pair. The proposed house on Plot 10 sits forward of the front building line of these dwellings but there is a separation distance of 5.5m flank to flank which prevents the dwelling from having an overbearing impact. The proposed dwelling on plot 10 does not project beyond the rear building line of The Chimes and there are no affected habitable room flank windows (existing first floor flank windows to The Chimes are obscure glazed). Plot 10 does have a parking space close to the shared boundary but there would be a 2m high boundary fence (1.7m closeboarded plus 300mm trellis), which would prevent any materially harmful impact.

- 6.5.4 The dwellings to the west of the site back on to the application site at varying distances and would look towards the flank walls of dwellings on plots 11, 13 and 14. However, all of the proposed houses are set in (by a minimum of 2.8m) from the southern boundary of the site and the flank to flank distance between the proposed houses and those existing is substantial, in excess of 17m at the closest point. Staff do not therefore consider the proposed new houses to be overbearing or intrusive. None of the proposed dwellings on these plots have first floor flank windows and so no direct overlooking of neighbouring properties will not result.
- 6.5.5 Development on the remainder of the site does not have a direct relationship with existing residential property. The proposed dwellings at the western end of the site (plots 14-18) are set in a minimum 8.5m from the site boundary and it is considered this would be sufficient to ensure that the ability to develop the site to the west in the future would not be prejudiced. Similarly, dwellings along the north of the site are set in 7m from the boundary, with the flats set in 6m and it is considered that this would not prevent any future redevelopment of the Imperial Trading Estate.
- 6.5.6 Staff have considered the living environment for future occupiers of the proposed development, in particular in relation to the Imperial Trading Estate. Although the estate is generally used for light industrial use, due to the age of the development there is limited planning control in terms of noise and hours of use. However, the noise assessment submitted with the application indicates that, at least at time of survey, noise from the adjacent estate is within reasonable limits and Staff are satisfied that, subject to the detailed design of the scheme to provide sound attenuation, the development would provide suitable levels of amenity for future occupiers.
- 6.5.7 Details of proposed boundary treatment have been provided with the application. The perimeter of the site has 2m high fencing (1.7m closeboarded with 300mm trellis), except for the rear of plots 4-8 which will be 2m high closeboarded fencing. Fencing between gardens will be 1.8m high timber 900mm high metal fencing is proposed around the flatted development and front gardens. Details of appearance and colour of the metal fencing are required and can be secured by condition.

6.6 Environmental Issues

- 6.6.1 The application site is located in Flood Zone 1. The site area is less than 1 hectare and a Flood Risk Assessment (FRA) has not therefore been submitted in respect of this application. The proposal is not considered to present any material flood risk issues.
- 6.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.
- 6.6.3 The site is located on New Road (A1306) and also shares a boundary with the Imperial Trading Estate. A noise assessment has been carried out and

submitted with the application. Noise surveys were carried out during the day and from 04:00 to 07:00 to ascertain noise levels and the surveys indicate that the development would fall within Noise Exposure Category C of the former PPG24 in respect of its relation to New Road and NEC B in relation to the industrial estate. These categories do not preclude residential development on the site, although the development will need to be designed to mitigate against noise impacts. Details of noise mitigation measures can be required by condition.

- 6.6.4 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that the development will at a minimum meet Code for Sustainable Homes Level 4. It is recommended that the aims of these statements be secured by condition but the condition will require a minimum of Code level 3 to accord with current LDF policy.
- 6.6.5 An Ecological Scoping Survey and Biodiversity Statement has been submitted with the application. A walkover of the site has been undertaken and does not indicate the presence of any rare or protected species, including the presence of bats. The report does make recommendations relating to the impact of development on nesting birds and bats and opportunities for bio-diversity enhancement. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.
- 6.6.6 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

6.7 Parking and Highway Issues

- 6.7.1 The application proposes a total of 44 parking spaces, which equates to some 1.6 spaces per unit. The site has a PTAL rating of 1 and the LDF indicates that parking should be within the ratio of 2-1.5 spaces per unit. The proposal is therefore compliant in principle with the LDF. Of the spaces within the development, the flatted accommodation (6 units) has one parking space per unit; the remaining dwellings within the development have either one or two parking spaces per unit, with all of the 4 bed units having 2 spaces each, creating the overall ratio of 1.6 spaces average per dwelling. Highways have indicated that the amount and apportioning of the parking spaces is acceptable. Staff consider the parking spaces to be acceptably laid out within the site and to be adequate to serve the proposed development. The amount of parking is considered to be consistent with Policy 6.13 of the London Plan.
- 6.7.2 Each dwelling has individual provision for cycle storage within metal cycle storage sheds to be provided in the rear garden of each dwelling. The flats have a separate enclosed cycle store, with total provision for the site of 56 cycle stores.

- 6.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals. There is an existing pedestrian crossing on New Road adjacent to the site, which will slow traffic speeds in the vicinity of the site access and a right turn lane into the site (approaching from the east) will be marked out. The existing site access is to be upgraded and a raised table provided within the site to reduce traffic speeds. A Stage 1 Road Safety Audit has been carried out and submitted with the application. There have been some minor modifications to the road layout within the site to meet Highway requirements and the proposal is now considered to be acceptable in this respect.
- 6.7.4 Staff are aware that the local ward councillor has raised the suggestion of the provision of speed humps in Lambs Lane North to be funded through Section 106 Agreement contributions. The development includes a requirement for £6,000 per unit to be paid to cover infrastructure costs arising from the new development under the terms of the draft Planning Obligations SPD. This could, for example, be used to fund highway improvements where justified through the development. Staff have however discussed with Highway officers whether such a requirement would be justified and it is concluded that the relatively small size of the development, 28 units, combined with other highway works that are proposed in connection with the proposed improvements to the access, would not specifically justify the undertaking of such works.
- 6.7.5 Streetcare have been consulted in respect of the proposals and raise no objection to refuse collection arrangements. A condition will however be required so that details of the refuse bins for the flats, which will be located in a purpose built enclosure forming part of the building, can be agreed. No objections have been received from the Fire Brigade in terms of access.

6.8 Affordable Housing

- 6.8.1 The application provides a total of 28 units, of which it is proposed that 22 units (all 2, 3 & 4 bed houses) will be provided as affordable rented accommodation and 6 units (all 2 bed flats) will be shared ownership. The development proposed is therefore 100% affordable housing, to be developed by Estuary Homes, and would therefore accord in principle with national and local planning policies. The amount of affordable housing proposed would need to be secured through S106.
- 6.8.2 The LBH Housing service has advised that it is supportive of the proposals, which exceed the minimum 50% affordable housing required by local and national planning policies and provided an acceptable tenure mix of affordable rent and shared ownership units. Housing advise that the mix of two, three and four bed houses and flats fit well with established demand for affordable housing in Havering. The proposal includes 2 fully adapted wheelchair units, which have been the subject of discussion between the applicants and the Council's Partnerships & Development and Occupational Therapy staff.

6.9 Infrastructure

- 6.9.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £168,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

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 2,668m² which equates to a Mayoral CIL payment of £53,360.
- 7.2 However, as the development is entirely proposed as affordable housing, the applicants have made an application for social housing relief. The CIL will not therefore be payable providing there is no material change to the claim for relief.

8. Conclusion

- 8.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. However, Members are invited to apply judgement to the consideration of whether the layout of the houses on plots 4-8, facing inward, is considered to be acceptable. Staff further consider the design, scale, bulk and massing of the proposed buildings to be acceptable but it is acknowledged that this is also a matter of judgement for Members. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal makes acceptable provision for affordable housing within the development and will include a requirement to meet infrastructure costs associated with the development in accordance with the draft Planning Obligations SPD. The proposal is therefore judged to be acceptable, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and is designed to meet Lifetime Homes criteria, as well as including wheelchair units designed in consultation with the Council's Occupational Therapists. The development is for 100% affordable housing, including both affordable rent and social housing and thereby contributes to the provision of mixed and balanced communities and access to quality housing for all elements of the community.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 6 July 2012 and revised plans received 13 August 2012.

REGULATORY SERVICES COMMITTEE

13 September 2012

REPORT

Subject Heading:

P0419.12 – Woodville Works, Church Road – demolition of existing buildings and erection of single-storey dwellinghouse (received 2 April 2012; additional plans received 14 June 2012 and additional plans and information received 28 June 2012)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
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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 demolition of the existing former factory building and the erection of a residential bungalow with hipped roof construction. The proposal accords with Green Belt, residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The proposal is judged to be acceptable in all material respects and subject to the execution of a Unilateral Undertaking and conditions.

RECOMMENDATIONS

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 180m² and amounts to £3,600.

It is recommended that the application is unacceptable as it stands, but would be acceptable subject to the applicant entering into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £6,000 towards local 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 Unilateral Undertaking to the date of receipt by the Council;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee.

That upon the Unilateral Undertaking being signed that 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. SC34 The proposed window to the en suite shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority,

Reason: In the interests of privacy and in order that the development accords with Policy DC61 of the LDF Core Strategy and Development Control Policy DPD.

4. 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.

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

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

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

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

7. SC43 The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne external noise to the satisfaction of the Local Planning Authority.

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

8. SC11 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, in order that the development accords with Policy DC61 of the LDF Core Strategy and Development Control Policy DPD. 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other 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.

9. SC63 Construction Method Statement

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

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

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

Reason:-

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

10. SC62 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 Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

11. NSC01 Prior to the first occupation of the building hereby permitted to be converted/extended, the out-buildings and hardstanding proposed to be removed shall be demolished/broken up and any resulting debris fully removed from the application site.

Reason: Without the removal of the outbuildings/hardstanding the proposal would be likely to be unacceptable and contrary to Policies DC61 and DC46 of the Local Development Framework Development Control Policies Development Plan Document and PPG2 (Green Belts).

12. SC45A Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Article 3, Schedule 2, Part 1 Classes A, B, C, D, E and F and Part 2 Class A, no enlargement, improvement or other alteration of a dwellinghouse, no enlargement of a dwellinghouse consisting of an addition or alteration to its roof, any other alteration to the roof of a dwellinghouse, the erection or construction of a porch outside any external door of a dwellinghouse, the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure, the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such, the erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating, the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

13. SC46 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) or northern elevation of the building(s) hereby permitted to be converted, 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 Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

14. NSC02 Prior to the first occupation of the building, the garden area shall be formed in accordance with the approved plans and the landscaping scheme approved under Condition 8.

Reason: To ensure that residential amenity is adequate in accordance with Policy DC61 of the Local Development Framework Development Control Policies Development Plan Document.

15. NSC03 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 (the Phase I Report having already been submitted to the Local Planning Authority):

a) A Phase II (Site Investigation) Report as 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.

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.

INFORMATIVES

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC2, DC3, DC5, DC7, 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.

2. 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 a group of single-storey commercial buildings at Woodville Works on the western side of Church Road. The roughly "L-shaped" site has a highway frontage of approximately 13m to a drive way with the main body of the site being approximately 35m from north to south and roughly 25m wide. To the Western and Southern boundaries there are a number of mature trees. Ground levels fall slightly to the south and west across the site and beyond.
- 1.2 There are a number of residential properties to both this same side of Church Road and to Noak Hill Road but the area is otherwise open agricultural fields. The application site is within the Metropolitan Green Belt and the Havering Ridge Area of Special Character. The site area is approximately 0.10 hectares.

2. Description of Proposal

- 2.1 The proposal follows a refusal for a new dwellinghouse, two applications for conversion (one refused and one approved) and one for the conversion and extension of the existing main building (approved and subsequently granted a time extension to undertake the approved works). None of these have been implemented although the latter has only just been extended and is extant.
- 2.2 This current application is for the demolition of all the buildings on the site and the construction of a single-storey residential dwellinghouse. The building would be 9.42m deep and 19.2m wide with a hip, pitched roof with a ridge height of 5.25m. The layout indicates that the dwellinghouse would have 4 bedrooms (one with en suite), a bathroom/wet room, a lounge, a kitchen/dining room, a utility room and a full staircase access to a loft room indicated as use for storage with 3 velux windows.
- 2.3 The current proposal also incorporates a change of use to residential use. The proposed residential curtilage would exclude the wooded area to the south which is also in the applicant's ownership.
- 2.4 Apart from the fact that this would be a new property rather than a conversion and extension of one of the original buildings, the main differences between this scheme and the most recently approved conversion/extension residential unit are:
- relocation of the whole building 1m further away from northern and eastern boundary

- reduction in total length from 23.3 to 19.2m (although increase from main building section with the higher roof ridge from 18.7m)
- increase in ridge height from 5m to 5.25m
- provision of concertina doors to front elevation

2.5 The applicant has submitted a special circumstances case which can be summarised as follows:

- The land for Woodville, Eagle House and Woodville Works have been owned by the same family since 1919 with Woodville being built in 1925, Eagle House in the 1940s and Woodville Works in 1951. There were various extensions to both Woodville and Eagle House and further buildings were added to the Works itself resulting in the buildings being very close to each other such that the proposal would result in a greater degree of separation between residential properties.
- increases in sunlight and daylight to the properties
- easier access for maintenance purposes for all occupiers
- better air flow and ventilation around the new residential property
- larger more function space to the rear of the building to contain bin and other less visually appealing storage items
- greater protection and maintenance of the roots and canopy of a nearby tree
- ability to provide more green planting to the shared boundaries between the three properties
- more amenity space to the rear of the building improving the appearance of the development from the adjoining properties to the north and east
- improved visibility for natural and security surveillance
- greater protection for the neighbour's garage, fence and planting during and after development
- no greater impact on the openness of the green belt
- wildlife would be unaffected
- the proposal would represent a reduction in the volume of buildings by 2% when compared to the 2011 (2008) approval and 27% in relation to approval P0855.07 which included the retention of an outbuilding for recreational use
- the proposal would be for a whole new building such that a single roof line and rectangular building would appear more regular and less sprawling than previous schemes for extensions to the existing building
- the curtilage will be better defined with firm physical boundaries and additional planting
- the commercial building cannot be used again for commercial purposes and residential use would bring this previously developed land back into a beneficial use
- the 4-bed bungalow would enable the applicant to more easily care for her chronically ill mother who lives in one of the other family-owned buildings which will reduce reliance on the Government/Charitable assistance

3. **History**

- 3.1 P1834.11 Extension of time to implement application P1909.08 for conversion and extension of factory unit to form a residential unit - Approved 27/1/12
P1909.08 Conversion and extension of factory unit to form a residential unit - Approved 29/2/09
P0836.08 Demolition of all existing buildings and erection of a dwelling - Refused 17/06/08
P0855.07 Change of use to residential – Approved 12-07-07
P0148.07 Change of use to residential – Refused 26/03/07

4. **Consultation/Representations**

- 4.1 15 neighbouring properties have been notified of the application, a press notice was advertised and a site notice displayed. No letters have been received.
- 4.2 Thames Water have written to advise that they have no objection with regard to sewerage infrastructure and that it is the developers responsibility to make proper provision for surface water drainage to ground, water courses or a suitable sewer.
- 4.3 The London Fire and Emergency Planning Authority have written to indicate that the access should comply with Section 11 of the ADB Volume 1. This requires that the minimum width of a road between kerbs is 3.7m and that where the access is more than 20m from the highway, that a turning circle, hammerhead or other turning point should be provided. The proposed driveway width would be 3.5m wide, nonetheless it is not kerbed. A turning head is provided. The proposal would require a separate Building Regulations application where such matters can be addressed in detail.
- 4.4 The Metropolitan Police Crime Prevention Design Advisor has written to indicate that he has no material objections concerning any significant crime or community safety issues in respect of this application.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact on the open character of the Green Belt, its impact in the streetscene, on residential amenity and parking/highways. Policies CP1, DC2, DC3, DC33, DC35, DC36, DC45, DC60, DC61 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan and SPD on Residential Design and Residential Extensions and Alterations are relevant. Also relevant are London Plan (2010) Policies 3.3, 3.5, 3.8, 4.7 and 7.3 and the National Planning Policy Framework. Also relevant is the draft Planning Obligations SPD.

Mayoral CIL Implications

- 5.2 The proposal is for a new dwelling in the green belt. The liability is £20 per sq.m. The existing units have not been occupied for 6 months in the last 12 months. The size of the unit is proposed as 180 sq.m such that the amount would be £3,600.

Principle of development

- 5.3 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the Green Belt such that Policy DC45 indicates the circumstances when development in the Green Belt would be acceptable. While planning permission has been granted for a conversion of the existing building, it has not yet been implemented and there is no existing residential use at the application site. It is not therefore appropriate to consider the proposal as a replacement residential unit as there is currently no implemented residential use on site.
- 5.4 The NPPF indicates that new residential development in the Green Belt is inappropriate development, unacceptable in principle due to the harm that arises to the open character of the Green Belt.
- 5.5 The proposal for a new dwelling in the green belt is by definition inappropriate development in the Green Belt, harmful to its open character. In accordance with the NPPF, very special circumstances must exist to outweigh such harm both in terms of in principle harm and any other harm. The special circumstances put forward by the application will be considered later in this report, firstly however, an assessment of the scheme is undertaken to consider whether any other harm arises.

Impact on the Open Character of the Metropolitan Green Belt

- 5.6 Policy DC45 indicates that the redevelopment of authorised commercial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment.
- 5.7 It was previously considered that the site was probably in a lawful commercial use although a Certificate of Lawful Use has not been granted to this effect and does not form part of the consideration of this application.
- 5.8 The proposal would result in the demolition of the existing buildings. The buildings have the following measurements:

Main building and outbuildings
Existing volume (cu.m) 971
Proposed volume 697 (previously 712)

Existing floorspace (sq.m) 265
Proposed floorspace 180 (previously 205)

- 5.9 The proposal would therefore involve a decrease in both volume and floorspace of the buildings at the application site. Staff consider that this would represent a significant reduction of all buildings at the application site.
- 5.10 The original structure has previously been considered to be sound and capable of conversion to residential and no evidence has been submitted that this situation has changed.
- 5.11 The main concern however, is the overall impact the proposed building would have on the open character of the Green Belt. The existing main building is located to one side, and runs at right-angles to the road (Church Road), such that it currently has a very limited impact in street scene. The proposal would move the “approved” building forward by 1m and decrease its volume by 15 cubic metres. Together with the reductions in built volume and footprint, Staff consider that the proposed dwellinghouse would have no greater an impact on openness or visual amenity in the street scene than the existing buildings. In addition an amenity area of at least 100 square metres could be provided to the south of the property. Staff therefore consider that the proposal would be acceptable in terms of its impact on the open character of the Metropolitan Green Belt.

Design/Impact on Street/Garden Scene

- 5.12 The proposed development would be of a similar simple design as the existing building and would be located in a similar relative position in relation to the highway as currently. Given that the proposed building would be located some 35m or so from the highway and would be single-storey, it is considered that there would be no undue impact on visual amenity in the streetscene.
- 5.12 Unlike the previously approved extensions to the existing building, this new dwellinghouse would be located a further 2 away from the boundary with the existing residential properties. It is considered that the proposal would improve the relationship in the rear garden environment.

Impact on Amenity

- 5.13 The proposed dwelling would have windows in all but the eastern elevation. However, given that it would be single storey and rear window closest to Eagle House, the nearest adjoining dwellinghouse, would be to an en suite, Staff consider that obscure glazing could be fitted to overcome any privacy concerns. Also that no windows should be inserted in future in the eastern elevation. Suitable conditions could be attached to any grant of planning permission.

Highway/Parking

- 5.14 Within this area, Policy DC2 indicates that between 2 and 1.5 parking spaces should be provided for each property. There are no changes to the

vehicular access and, two parking spaces are proposed at the end of the access road. Staff consider that the proposal would meet current parking standards. A passing bay would be provided to the drive way which is considered to be beneficial. There are no other highway matters.

- 5.15 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

Planning Obligations

- 5.16 The draft Planning Obligations SPD indicates that for all new dwellings a £6,000 contribution would be needed to provide for all infrastructure requirements arising from the development. If planning permission granted a Unilateral Undertaking would need to be entered into for this amount to be paid.

Special Circumstances Case

- 5.17 As identified above, the proposal is for inappropriate development and is considered to be harmful in principle in the green belt. The NPPF indicates that such harm (together with any other harm) can only be outweighed if very special circumstances exist. Such circumstances must either singly or together be so special that they could not apply elsewhere and are a reason to allow inappropriate development in the green belt. It is for the Council to decide whether any circumstances raised by the applicant are very special as to allow development in the green belt where there is a general presumption against all inappropriate development.

The Applicant's Case

- 5.18 - The land for Woodville, Eagle House and Woodville Works have been owned by the same family since 1919 with Woodville being built in 1925, Eagle House in the 1940s and Woodville Works in 1951. There were various extensions to both Woodville and Eagle House and further buildings were added to the Works itself resulting in the buildings being very close to each other such that the proposal would result in a greater degree of separation between residential properties

Staff Comment: The three buildings have clearly been built as a group in common ownership. Staff do not consider that it is necessary to move Woodville Works in order to provide a residential property with reasonable levels of amenity for the new and existing occupiers (and planning permission has been granted for extensions and conversions of the existing building, one of which is extant and could be implemented), however, if the properties were to be owned by non-related people, it is considered that the separation distances involved are minimal and would benefit from a greater degree of separation. The proposed 1m shift each from the northern and eastern boundaries would provide a somewhat more comfortable relationship

- increases in sunlight and daylight to the properties

Staff Comment: No specific details are given as to how much light would be added to the existing properties by this 1m move from the existing walls of the building, nonetheless moving the building further to the south and west would be likely to have a positive effect even if it is minimal

- easier access for maintenance purposes for all occupiers

Staff Comment: The gap between the existing building and the boundaries to the north and east are minimal. Easier maintenance is not a specific planning issue although it is recognised that this would benefit future occupiers

- better air flow and ventilation around the new residential property

Staff Comment: Again, this is not a specific planning consideration

- larger more function space to the rear of the building to contain bin and other less visually appealing storage items

Staff Comment: No planning issues were raised previously in connection with the relatively close proximity of the existing building to its boundaries. The existing space could also be sufficient to provide for such storage items although they would be located closer to the proposed windows to the rear wall

- greater protection and maintenance of the roots and canopy of a nearby tree

Staff Comment: No evidence has been submitted to indicate how the tree would be affected by the proposal such that no comment can be made as to whether the tree would benefit from the proposal

- ability to provide more green planting to the shared boundaries between the three properties

Staff Comment: Additional planting would be beneficial

- more amenity space to the rear of the building improving the appearance of the development from the adjoining properties to the north and east

Staff Comment: Staff acknowledge that the building being moved slightly further away would result in a reduced physical presence, the amenity space being enlarged slightly would not result in any greater improvement of itself

- improved visibility for natural and security surveillance

Staff Comment: It is proposed to provide windows to the rear of the property (northern elevation) as previously proposed in the change of use applications. A 1m change is unlikely to result in any significant increase in the ability of future occupiers to provide their own security

- greater protection for the neighbour's garage, fence and planting during and after development

Staff Comment: Staff recognise that the adjoining buildings lie close to the existing building the proposal would involve the demolition and replacement

of the existing building and it is unclear what benefit derives given that the extant permission would not have involved such comprehensive works.

- no greater impact on the openness of the green belt

Staff Comment: This has been addressed above.

- wildlife would be unaffected

Staff Comment: No evidence has been submitted to support this statement, nonetheless given that the treed area to the south of the application site would not be affected by the proposal, it is not considered that there would be any greater impact from the proposal over that of the previous approvals on wildlife.

- the proposal would represent a reduction in the volume of buildings by 2% when compared to the 2011 (2008) approval and 27% in relation to approval P0855.07 which included the retention of an outbuilding for recreational use

Staff Comment: This has been addressed above in respect of the impact of the proposed dwelling on the open character of the green belt and considered to be acceptable. It is considered that the reduction in the amount of buildings on the site together with the fact that larger residential development has previously been approved provides material circumstances which constitute a very special circumstances case.

- the proposal would be for a whole new building such that a single roof line and rectangular building would appear more regular and less sprawling than previous schemes for extensions to the existing building

Staff Comment: The previous schemes for extensions were considered to have an acceptable impact on visual amenity, the proposal for a new building does not alter this

- the curtilage will be better defined with firm physical boundaries and additional planting

Staff Comment: Additional planting is to be welcomed but a 1.8m boundary fence would have been required for any residential approval

- the commercial building cannot be used again for commercial purposes and residential use would bring this previously developed land back into a beneficial use

Staff Comment: No evidence has been put forward that the building could not be used by a commercial user. Planning permission was granted for a change of use to residential use in 2007. The granting of a further consent, in this case, for a new dwelling would not alter the fact that a residential scheme for the site is considered to be generally acceptable in respect of the reuse of a previously commercial building in the green belt.

- the new dwelling would enable the applicant to more easily care for her chronically ill mother who lives in one of the other family-owned buildings which will reduce reliance on the Government/Charitable assistance

Staff Comment: The personal circumstances of the applicants relative who lives in a neighbouring property is not considered to be a very special circumstance to outweigh the harm identified.

6. Conclusions

- 6.1 The proposal would result in the redevelopment of an existing commercial site to a residential use in the Green Belt. The proposal would be inappropriate in principle. The proposal would result in a significant reduction in the amount of building(s) on site and improvements to the local Green Belt environment and the size of the proposed dwellinghouse would not amount to disproportionate increases over that of the existing main building which it would replace and that, due to its orientation and limited scale (being one-storey), there would be no significant harm caused to the open character of the Green Belt from this proposal. Further, Staff consider that the proposal would result in no other harm to other issues of acknowledged planning importance. Staff consider the special circumstances offered by the applicant, which coincide with planning issues raised, do amount to the very special circumstances which would outweigh the harm caused in principle to the Green Belt and that the proposed dwellinghouse would therefore be acceptable.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

- 7.1 None

8. Legal Implications and risks:

- 8.1 Legal resources will be required in the consideration of the Unilateral Undertaking.

9. Human Resource Implications:

- 9.1 None

10. Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

13 September 2012

Subject Heading:

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

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

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application is brought before Members to seek an amendment to the terms of the recommendation granted approval on 19th July 2012.

RECOMMENDATIONS

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 1238m² and amounts to £24,760.

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

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

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

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

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

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

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

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

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

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

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

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following

completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

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

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

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

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

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

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

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

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

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

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

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

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

Reason:

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

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

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

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

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

17. Sound attenuation - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from

Gubbins Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

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

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

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

19. Sustainability Statement - No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of "Level 3" or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

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

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

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

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

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

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

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

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

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

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

25. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

INFORMATIVES

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

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

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

4. Reason for Approval:

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

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

Planning Obligations

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

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

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

REPORT DETAIL

This planning application was brought before Members on 19th July, 2012. Officers recommended approval subject to conditions and the completion of a legal agreement. The recommendation also stated that:

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

This part of the recommendation was intended to ensure that the application would be determined within the statutory time limits. Members resolved to uphold the officer recommendation, however, the applicants were subsequently unable to complete the legal agreement by the 10th August 2012 owing to circumstances outside of their control.

Given these extenuating circumstances, the application is brought back before Members with an amended recommendation that would allow the applicants to complete the legal agreement, despite the fact that the decision will have then been issued “out of time”. The original officer report is attached.

The details relating to the application are contained in the previous Committee report, which is appended to this report (Appendix A).

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

19th July 2012

REGULATORY SERVICES COMMITTEE

REPORT

Subject Heading:

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

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

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the demolition of an existing motor repair garage and the erection of 16 residential units in two blocks, on land at No.65 Gubbins Lane, Harold Wood. One of the blocks would be two storeys in height and the other up to four storeys in height. The proposal would include a parking area, private and communal amenity spaces, a new pedestrian access, cycle parking, and bin refuse storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

RECOMMENDATIONS

(A)

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

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- The provision of 8 units within the development as affordable housing with 6 of those units made available for social housing and 2 of those units as shared ownership. Should any owners of shared equity units staircase to 100% equity, provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annex 2 of the National Planning Policy Framework;
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from

the date of completion of the Section 106 agreement to the date of receipt by the Council;

- The Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

3. 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).

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

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

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

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

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

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

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

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

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

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

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

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

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

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

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

approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

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

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

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

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

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

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

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

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

Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

Reason:

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

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

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

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

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

17. Sound attenuation - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Gubbins Lane upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

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

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

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

18. Sustainability Statement - No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of "Level 3" or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance

to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

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

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

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

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

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

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

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

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

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

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

24. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

Or (B)

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

INFORMATIVES

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

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

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

4. Reason for Approval:

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

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

Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The site, which is approximately 0.16ha in area, comprises land currently in use as a vehicle repair and MOT facility, with a garage building located towards the centre of the site and much of the remaining land area being used for vehicle parking and access. A further workshop/storage building is located at the north western corner of the site.
- 1.2 The site's southern and western boundaries adjoin the Harold Wood Hospital Site Specific Allocation area, which is in the process of being redeveloped as a large scale residential development. Planning permission P0702.08 indicates that a building up to four storeys in height is likely to be

developed near to the site's western boundary and that open space and an access road will be located alongside the southern boundary. The bulk of the site's western boundary is located alongside an undeveloped, landscaped area associated with a neighbouring property.

- 1.3 The eastern boundary lies adjacent to the public highway, which at that point includes a bus stop, whilst the northern boundary abuts existing residential properties fronting onto Gubbins Lane, comprising two storey, pitch-roofed dwellings. The site is located in close proximity to the Harold Wood Major Local Centre, the Oak Road Minor Local Centre, and Harold Wood railway station.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of two existing workshop buildings and its replacement with 16 residential units in two blocks, accompanied by a parking area, private and communal amenity spaces, a refuse store, and cycle storage. Two of the proposed units would be equipped for disabled use. Vehicular access would be through the existing access onto Gubbins Lane and a separate pedestrian access located at the south eastern corner of the site would also provide access from Gubbins Lane. 16 car parking spaces are proposed along with a visitor/deliveries space.
- 2.2 The 16 units, which are between 50sqm and 90sqm in area, would comprise five 1-bed flats, nine 2-bed flats, and two three-bed houses. The main elevations of the two blocks would face in an east-west direction. The western-most block, towards the rear of the site, would be two storeys in height with two 3-bed houses at its southern end, and four flats at its northern end. Private gardens would be located to the rear, or west of this block, relating to the two houses and the two ground floor flats. The two first floor flats would include balconies.
- 2.3 The eastern-most block, which would front onto Gubbins Lane, would be three to four storeys in height with three flats on each of the first three floors, and one flat on the fourth floor, located at the southern end of the block. Amenity spaces would be provided in relation to the ground floor flats between the eastern elevation and the boundary with Gubbins Lane. Balconies would be provided in relation to the upper storey flats.
- 2.4 The proposal would include communal amenity spaces at the southern end of the open space located between the two proposed blocks, along with a roof garden on the eastern block. A total of 250sqm of communal amenity space, and 366sqm of private amenity space would be provided.
- 2.5 The proposal would be constructed of brick, render, and plain roof tiles, with painted galvanised metal railings relating to balustrades and zinc canopies. A "green roof" would be included at the northern end of the block fronting onto Gubbins Lane.

3. Relevant History

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

3.2.1 P1446.10 - Redevelopment of commercial workshop/body shop for residential use, erection of 24 apartments (Demolition of existing builders yard) – Refused on the following grounds:

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

2. The proposal represents an overdevelopment of the site which is unable to provide an acceptable level of off-street parking without resulting in deficient amenity space provision. To provide adequate amenity space the resultant shortfall in parking would give rise to unacceptable overspill onto the public highway to the detriment of highway safety. The development is therefore contrary to Policies DC33 and DC61 of the LDF Development Control Policies DPD.

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

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

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

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

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

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

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

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

6. *The scheme does not give particulars with regards to an energy demand assessment or details of the energy efficiency design measures and renewable energy technology to be incorporated into the development. It has therefore not been sufficiently demonstrated how the scheme could achieve the required displacement of at least 20% of carbon dioxide emissions through on site renewable energy measures and energy efficient technology and is contrary to Policy DC50 of the LDF Development Control Development Plan Policy and Policies 4A.4 and 4A.7 of the London Plan.*

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

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

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

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

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

flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

4. Consultations/Representations

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

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

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

4.3 Comments have also been received from the following:

The Environment Agency

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

Crime Prevention Design Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

London Fire and Emergency Authority

No objections.

Environmental Health (Noise)

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

Environmental Health (Contaminated Land)

No objections; condition recommended.

Highway Authority

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

Housing

No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

5.3 Local Planning Policy

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

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

6. Staff Comments

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

6.2 Principle of Development

6.2.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The

proposal is considered to be acceptable in principle, in accordance with Policy CP1.

6.3 Design Considerations

- 6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.
- 6.3.2 The application site has an area of approximately 0.16 hectares and proposes 16 units, giving a development density of approximately 100 units per hectare. Whilst this is above the density range of 50-80 units per hectare set out in Policy DC2, the close proximity of the proposal to Harold Wood railway station and Harold Wood Major Local Centre is such that it is considered that the site's location could support the proposed density of development. Moreover, the previously refused scheme, which proposed more units than is the case here, was not refused on the basis that it would be too dense.
- 6.3.3 The site is located in a broadly residential area comprising a range of house types, with traditional, two storey, pitched roof dwellings and some larger scale flatted development. The neighbouring site to the west and south is currently being developed for residential purposes, and will eventually include a variety of houses and flatted development. The application site is considered to be in an unsightly condition, and the proposal would improve its appearance.
- 6.3.4 The application proposes a more traditional form of design and construction in the two-storey, western block, which is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The western block would have a pitched, hipped roof and conventional detailing and is constructed using brick and plain roof tiles. The flatted development, which would front on to Gubbins Lane, would employ brick for its main facing material, and would have a flat roof. It is recommended that a planning condition be imposed requiring the submission of details relating to the proposed use of materials.
- 6.3.5 Whilst the proposed eastern block would be located alongside two storey properties to the north, the eastern block is separated from these by the proposed access, with a separation distance of just over 6m, and the design incorporates a step-up from three storeys to four to achieve a more gradual increase in heights along the roadside. The scale and massing of both blocks is considered to be broadly in keeping with the character of the wider area, particularly given the emerging residential development at the former Harold Wood hospital site.
- 6.3.6 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further

details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition, particularly in relation to the proposed “green roof”, which will be visible from the surrounding area.

- 6.3.7 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

6.4 Layout and Amenity Considerations

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 6.4.2 The development proposes a mix of house types, proposing houses and 1-3 bedroom flats. This complies with the aims of Policy DC2 in respect of dwelling mix. Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.3 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council’s Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private gardens for the houses and ground floor flats within the site, along with balconies for the proposed apartments. The proposal would also include communal amenity space at ground level along with a roof garden. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 6.4.4 The Council’s Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the two proposed blocks is approximately 22m, which is considered sufficient to avoid any significant adverse impacts between the two in terms of outlook and overlooking. It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area.
- 6.4.6 In relation to the impact the proposal would have on existing, neighbouring occupiers then particular attention needs to be paid to the impacts on residents along Gubbins Lane, which are the nearest existing neighbouring properties to the site. Consideration also needs to be given to the impacts between the proposal and the approved residential development at the neighbouring, former hospital site.
- 6.4.7 The proposal would be located approximately 29m from the neighbouring dwellings located on the opposite side of Gubbins Lane. Given the nature of the proposal, including its overall scale, it is considered that its siting would not result in any significant adverse impacts on the amenity of the occupiers of these properties, in terms of overlooking, overshadowing, or outlook.
- 6.4.8 The nearest neighbouring property would be No.67 Gubbins Lane, which is located immediately to the north of the site. The proposed access would run between the proposed eastern block and this dwelling. Given that the access to the existing business is located in the same position and that the proposed development is likely to generate less traffic than the existing use, it is considered that the proposed access would not result in any significant adverse impacts on the amenity of this property's occupiers.
- 6.4.9 The northern end of the proposed eastern block would be located approximately 6.5m from the side of No.67. At this point, the proposal would be 3 storeys in height, with a green roof that would not be accessible to residents. Given the siting of the proposal in relation to No.67 and its height, it is considered that there would not be any significant adverse impacts in terms of the outlook and access to daylight of the occupiers of No.67. In terms of overlooking, the proposal would include openings in its northern elevation that would face towards No.67 and permit a degree of overlooking towards its rear curtilage. It is recommended that a condition be imposed requiring that these flank windows, at second and third floor levels, be obscure glazed and non-opening. It is considered that the balconies and access decks relating to the western side of this block have been sufficiently well designed to prevent any significant overlooking to the rear curtilage of No.67, with separation distances of around 7.5m at first floor level, and approximately 9m at second floor level, and the use of visual screens at the northern ends of these platforms. It is recommended that a condition be imposed to secure the visual screens.

6.4.10 The proposed western block, which would be two storeys in height, would face in the direction of the rear of No.67 Gubbins Lane. The western block would be located approximately 21m from the rear of this dwelling, which is considered to be sufficient to prevent any significant harm in terms of privacy, outlook, and loss of light. The first floor flats at the northern end of this block would result in a degree of overlooking over the rear curtilage No.67, however, this would be moderated by the existing screening along the northern boundary. The main impact would be in relation to the perception of overlooking held by the occupiers of No.67. The applicants have amended the submitted plans to incorporate opaque materials for the proposed balcony balustrades facing No.67 Gubbins Lane. This is considered sufficient to overcome the perception of overlooking, and should be secured by means of a planning condition.

6.4.11 Consideration also needs to be given to the relationship that the proposal would have with the proposed development at the neighbouring, former hospital site. Outline planning permission has been granted for residential development at the neighbouring site, with reserved matters approval being granted in different areas of that site. The phase nearest to the site under consideration does not yet benefit from reserved matters consent and it is anticipated that this will not be sought until 2015. The outline consent that has been granted indicates that an apartment block, up to four storeys in height, would be constructed approximately 9.5m to the west of the houses being proposed in the application under consideration. However, the outline consent that has been granted only relates to the access arrangements; the anticipated reserved matters application would therefore provide scope for the scale, design, and layout of that proposal to be adapted to the prevailing conditions existing at that time. Given that the future design of the neighbouring apartment block can be adapted to prevent any significant adverse impacts between that development and the proposal, the proposed development is considered to be acceptable in terms of the relationship it would have with the neighbouring site.

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

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

6.5 Environmental Impact

6.5.3 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and

limitations to construction times. It is recommended that these be employed should planning permission be granted.

6.6 Parking and Highway Issues

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

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

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

6.6.4 It is recommended that conditions be imposed relating to wheel washing facilities to prevent the deposition of mud onto the public highway during construction works. It is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.5 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 Affordable Housing

6.7.1 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes.

6.7.2 The application proposes that 50% of the proposed units within the development will be provided as affordable housing. 75% of these would be available for social rent and 25% for shared ownership. Officers consider

that the proposal would provide the maximum amount, and the most suitable type of tenure, of affordable housing possible whilst also remaining a viable scheme. Providing the proposed tenure mix and level of affordable housing is secured by a legal agreement, it is considered that the proposal would be in compliance with Policy DC6 of the LDF, and therefore acceptable.

6.8 Community Infrastructure

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

6.9 Other Considerations

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

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 7.2 The proposal is considered to be acceptable having had regard to Policies Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32,

DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

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REGULATORY SERVICES COMMITTEE

REPORT

13 September 2012

Subject Heading:

P0487.12 – Bradley House, 194 Rush Green Road - Demolition of existing garages and porch and change of use to Meals on Wheels Catering Depot and erection of open-sided canopy and cold store to rear (received 26 April 2012; revised plan received 3 July 2012; additional information/photos received 19 July 2012; Further information and revised drawings received 22 August 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 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 change of use of Bradley House from Caretakers Mess Room to Meals on Wheels Catering Depot. The proposal involves the demolition of garages to the rear and an existing side porch and the erection of a canopy and cold store. Staff consider that the proposal would accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and it is therefore recommended that planning permission be granted.

The application site is Council owned.

RECOMMENDATIONS

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

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

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

2. NSC01 Before the building(s) hereby permitted is first occupied, the area set aside for car parking/turning area 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/turning area is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

3. SC09 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.

4. SC11 landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development.

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

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

6. Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

7. Before any works commence 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 first occupation and thereafter retained in accordance with such details.

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

8. SC58 refuse storage: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been

agreed in writing by the local planning authority. Unless otherwise agreed in writing these details shall include provision for underground containment of recyclable waste.

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

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

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

10. SC13 boundary treatment: Before any of the buildings hereby permitted is first occupied, screen fencing as shown on the approved plans shall be erected to the rear garden boundaries and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

11. NSC01 Delivery vehicle size: Deliveries in connection with the hereby approved Meals on Wheels Service shall be carried out by vehicles capable of a maximum gross weight of 7.5 tonnes or less.

Reason: In the interests of highway safety

12. NSC02 Delivery arrangements: Deliveries to the site shall take place only in accordance with the submitted delivery arrangements as indicated on Drawing No. BH3 Rev A.

Reason: In the interests of highway safety

INFORMATIVES

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC26, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a single-storey building with garaged parking to the rear for 8 vehicles along the Eastern boundary which forms Bradley House, a Caretakers Mess Depot at No.194 Rush Green Road (the A124). The existing site's vehicular access is to western side of the building onto Rush Green Road. The site area is 517 Sq.m.
- 1.2 The area is mixed in character with one and 2-storey residential properties to the rear in Birkbeck Road and opposite on Rush Green Road, with two and three storey residential to this same side of Rush Green Road. Beyond the 6 flats to the east is a commercial area at the crossroads with Dagenham Road with commercial uses to the ground floor, many with residential above. To the north-west of the application site to Birkbeck Road is a commercial yard. Further along Rush Green Road to the west is a car sales facility.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the garages and the change of use of the building to a Meals on Wheels Catering Depot which includes the erection of a canopy and cold store under it to the rear. The canopy would be located directly to the rear of the building aligned with its eastern elevation and have a maximum height of 2.4m, depth of 7.5m and width of 5m. It is proposed to provide a Cold Store under the canopy close to the rear access ramp. The Cold Store would be 3.5m deep by 2.3m wide and 2.3m high located a maximum of 3.7m from the existing rear elevation of the building. To replace the removed garages, a 1.8m high fence would be located on the shared rear/side boundaries.
- 2.2 The Meals on Wheels service provides approximately 400 meals a day every day of the year to residents in Havering and Barking & Dagenham. Meals are received frozen and stored in a walk-in freezer. Each day the meals are loaded directly into ovens inside vehicles which heat up the frozen meals. The building's 2/3 workers would use the building itself to co-ordinate the routes each day to maximise the number of meals on each route. Cold tea-time snacks would also be prepared in the building, as required by clients.
- 2.3 The retained and new area of hardstanding to the rear would be used for parking of cars/vans and the loading of the oven vans associated with the proposed use. While the oven vans are out undertaking the Meals on

Wheels service to customers, the delivery van bringing in the frozen meals will arrive and unload using the hardstanding area as a turning facility.

- 2.4 It is proposed that the maximum size of delivery vehicle to be used would be a 7.5-tonne box van and that the routing would be that vehicles would approach from the east, turning right into the site from Rush Green Road, loading and then exiting turning right (westwards) to ensure that vehicles do not mount the kerb and do not result in an obstruction close to the traffic-light junction. The delivery vehicles will only be on site while the oven vans are out on their rounds and they will be able to enter and exit the highway in forward gear.

3. **History**

- 3.1 None relevant.

4. **Consultation/Representations**

- 4.1 19 neighbouring occupiers were notified of the proposal. There were 6 responses objecting on the following grounds:

- the use would be located in a residential area and is not suitable
- the proposed hours/days of use are unacceptable as this would be every day of the week/year
- unacceptable levels of noise particularly from the outdoor freezer unit
- increase in traffic resulting in noise and pollution
- adverse impact on traffic flow due to high number of vehicles entering and exiting the application site
- hours of use of Sundays and Bank holidays at 8am would be earlier than other days which would result in unacceptable noise and disturbance to residential occupiers
- the canopy would be taller and wider than the existing garage block and would introduce an industrial element to an area of domestic architecture which would stand out like a sore thumb
- possible restriction to existing vehicular access arrangement
- the Council should make the existing garages available to local residents as there is an existing shortfall in off street parking
- devaluation of existing properties

- 4.2 The Rush Green Regeneration Group has written objecting to the scheme and reiterating most of the comments above.

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

- 4.4 The Metropolitan Police Crime Prevention Design Advisor has written to indicate that the proposal raises no issues and that no planning conditions are necessary.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways. As such, Policies DC26, DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan are relevant. Also relevant are London Plan Policies 3.1, 3.16, 3.17, 6.11, 6.13, 7.4 and 7.6 and the NPPF.

Principle of development

- 5.2 The proposal is for the change of use of an existing Council depot from caretaker's Mess room to a Meals on Wheels catering facility. Policy DC26 indicates that planning permission will be granted for new community facilities subject to meeting specific criteria particularly in respect of accessibility, impact on residential amenity and parking being adequate. The Policy indicates that community facilities essential to meet the specific needs of the community will be allowed on sites considered suitable for housing or involving the loss of housing.
- 5.3 It is therefore considered that the proposed change of use to enable an existing Council service to be re-provided in an existing Council building would be acceptable in principle, subject to impact being within acceptable limits.

Design/Impact on Streetscene/rear garden environment

- 5.4 There would be no change to the external appearance of the building from the street such that there would be no impact on visual amenity in the streetscene.
- 5.5 The garages to the rear would be demolished and replaced by an open-sided canopy under which would be located a cold store, and 1.8m high boundary treatment. The canopy would have a maximum height of 2.4m but would fall toward the boundary to a maximum height of 1.8m. The canopy would be 7.5m deep, which would be deeper than a solid residential extension would normally be acceptable (i.e., more than 4m). The cold store would be below the canopy and extend no further from the rear elevation of the existing building than 3.7m. Since the heights would both be significantly lower (i.e., below 3m) and the depth of the cold store at 3.7m from the rear wall would be less deep (at 4m) than would normally be allowed for an extension beyond the rear of a detached residential property and it would be mainly open-sided and would replace the existing garages, Staff consider that the proposed design and scale of the canopy structure (including the cold store) would not have any significant adverse physical impact on the shared amenity space of the occupiers of the three-storey flatted block to the east of the application site.
- 5.6 The proposed canopy would be located more than 9.5m from the shared boundary with the maisonettes at 196/198 Rush Green Road and

approximately 15m from the shared boundary with the properties to the north in Birkbeck Road. Given these distances and the restricted single-storey height of the canopy, Staff do not consider that there would be any physical adverse impact in the rear garden environment from the proposed canopy/cold store.

Impact on Residential Amenity

- 5.7 The nearest residential properties are those to each side and those to the rear of the existing Council Depot.
- 5.8 Given that the canopy and cold store would replace existing garages and be of a significantly reduced depth and would, with the exception of the 1.5m depth of the cold store itself, be mainly open, Staff consider that there would be no adverse impact on residential amenity from the proposed works to the rear of the building. Suitable conditions can be attached to any grant of planning permission in relation to noise from plant and machinery, including the proposed cold store, which would ensure that noise levels are at an acceptable level in respect of residential amenity.
- 5.9 The Council Depot is in use as a Caretakers' Mess and could currently accommodate 8 vehicles which can enter and exit the site at any time of the day or night. While the garages would be removed and be replaced by a 1.8m fence, Staff consider that the proposal, which would involve the use of 5 vans and 1 car, would not result in any significant increase in traffic or noise associated with the vehicles manoeuvring within the site boundaries.
- 5.10 It is proposed that the Meals on Wheels service would operate between 8.30am and 4.30pm each day with the exception of Saturdays/Sundays and bank holidays when it would operate from 8am until 3pm. It is proposed that vehicle movements would commence around 9am and cease at around 3pm. Staff consider that given that Rush Green Road is a trunk road and that the site is located in close proximity to the junction with Dagenham Road where there is a busy commercial centre, that the proposed hours would not result in any significant adverse impact on residential amenity relating to the proposed use of the existing Council Depot building and rear parking/loading area.
- 5.11 The proposed canopy/store would be single-storey and the existing garages would be replaced on the boundary by a close-boarded fence of 1.8m in height. Staff consider that as such there would not be any overlooking or privacy issues raised as a result.

Highway/Parking

- 5.12 There is no specific parking requirement for this particular use. It is proposed that there would be the same number of part-time staff as currently with 3 people working at the site. It is assumed that the 5 vans would have drivers and that they would need to be parked on site when not in use. With the removal of the 8 garages, it is considered that there would

be sufficient space on site to accommodate the proposed oven vans and car indicated within the site boundaries such that there would be no overspill onto the public highway where there are single line restrictions. The delivery vehicle would arrive after the oven vans have left and would therefore be able to enter and exit the site in forward gear as there would be a suitable turning area on site.

- 5.13 Suitable refuse and recycled materials storage and cycle store conditions can be attached to any grant of planning permission. There are no highways objections to this scheme.

Other issues – secured by design

- 5.14 The Crime Prevention Design Advisor has no specific objections.

Landscaping

- 5.15 No details of landscaping have been submitted with the application, nonetheless it is considered that the removal of 8 garages from the application site would enable a level of landscaping to be provided to soften the development, particularly when viewed from adjoining residential properties. A suitable condition will be attached to any grant of planning permission requesting details to be submitted.

6. **Conclusions**

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

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

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

9. **Human Resource Implications:**

- 9.1 None

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

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

BACKGROUND PAPERS

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

13 September 2012

Subject Heading:

P0913.12 – Havering College, Ardleigh Green Campus

Demolition of up to 6,550sqm of existing floor space and the redevelopment of 9,450sq.m of new educational floor space (Class D1) together with associated landscaping and access (received 25 July 2012)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application seeks an extension of time for outline planning permission P0683.09, which was approved by Members on 13th August 2009. This planning permission expired on 14th August 2012. The permission gave consent for the demolition of up to 6550 sq.m of existing floor space and its replacement with 9450 sq.m of new floorspace.

RECOMMENDATIONS

That Staff be authorised to grant planning permission subject to the conditions set out below.

1. Reserved Matters - The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, including all matters defined as "appearance", "landscaping", "layout" and "scale" in the Town and Country Planning (General Development Procedure) Order (herein after called "the reserved matters").

Reason: The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Time Limit - The development to which this permission relates must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

4. Landscaping - The landscaping approved as part of the reserved matters submission shall be carried out in the first planting season following

completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

5. 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.

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

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

7. Construction Hours: 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.

8. 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.

9. Construction Management Strategy - Prior to the commencement of the development, a Construction Management Strategy, to include a detailed phasing plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and, thereafter, permanently retained.

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

10. Noise - Full details of noise levels from plant or processes and, where appropriate, a scheme of noise attenuation and treatments are to be submitted to, and approved by, the Local Planning Authority prior to development, and once approved shall be fully installed before the plant is first used.

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

11. 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 (the Phase I Report having already been submitted to the Local Planning Authority):

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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 by 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. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

12. Highways - Prior to the commencement of the development, details of the proposed works affecting the public highway shall be submitted to and approved in writing by the Local Planning Authority, and all necessary agreements, notices or licenses to enable the proposed alterations to the Public Highway shall be entered into and secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

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

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

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

14. Secure by Design - Prior to the commencement of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of staff, students and visitors, and the prevention of crime throughout the campus, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor.

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

15. Car Parking - Prior to the commencement of the development hereby permitted a scheme shall be submitted in writing providing details of how, the parking throughout the whole development shall comply with the Park Mark Safer Parking Award standards. Once approved in writing by the LPA, in consultation with the Crime Prevention Design Advisor, the development shall be carried out in full accordance with the agreed details

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

16. External Lighting - Prior to the commencement of the development hereby approved, details of any external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

17. Tree Protection Measures - Prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Statement shall

include tree protection measures and specifications including the provision of nest-boxes which shall be carried out in complete accordance with the agreed details and /or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and to protect the trees on the site. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

18. Sustainability - No occupation shall take place until the developer provides a copy of the final Building Research Establishment (BRE) certificate, confirming that the design of the completed phase of the development achieves a minimum BREEAM rating of "Very Good". The development shall be carried out in full accordance with the agreed Sustainability Statement and the developer shall carry out, and provide to the Local Planning Authority, a BREEAM Post Construction Assessment. The BREEAM Post Construction Assessment shall be carried out on all of the development to ensure that the required minimum rating has been achieved.

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

19. Energy Statement - Prior to the commencement of development an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall incorporate an energy demand assessment, and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the new build development. The Statement shall include details of a renewable energy/low carbon generation system or low carbon for the proposed development, which will displace at least 20% of carbon dioxide emissions on all newly created floorspace, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the new/replacement floorspace prior to its occupation and in accordance with the phasing plan. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

20. Drainage - Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 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 prior to the development being completed.

Reason: To prevent the increased risk of flooding to the site and third parties, to improve and protect water quality and improve amenity and habitat.

21. Travel Plan - Before the use hereby approved first commences a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of measures to be put into place to encourage sustainable modes of travel to the site, such as walking, cycling, use of public transport and car sharing and shall include provisions for future monitoring and review.

Reason: To encourage alternative means of transport to the site in the interests of highway safety and sustainability and to accord with Policy CP9 of the Core Strategy Plan Document.

INFORMATIVES:

1. Reason for Approval:

This decision to grant planning permission has been taken:

(i) having regard to Policies CP8, CP9, CP10 and CP17 of the LDF Core Strategy Development Plan Document and Policies DC26, DC29, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC60, DC61, DC62, DC63 and DC72 of the LDF Development Control Policies Development Plan Document, the London Plan and the National Planning Policy Framework.

(ii) for the following reason: The proposed development would cause no significant material impact upon the free and safe flow of traffic within the locality. Whilst the proposed development would have an impact upon the street scene and adjoining residential occupiers, this harm would not be prejudicial and the proposals would help to deliver the Borough vision of learning excellence and opportunities for all.

2. The applicant is advised that this planning permission does not constitute Highways approval, which will need to be sought separately prior to the commencement of the development. 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 Traffic & Engineering, Technical Services on 01708 432501 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy conditions 13, 14 and 15, the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises approximately 5.46 hectare of land and relates to the Havering College site known as Ardleigh Green Campus, located in Hornchurch. The college site is bounded by Ardleigh Green Road to the west, Nelmes Way to the south, and residential properties facing onto Birch Crescent, Russets and Brindle frontages to the north east and east respectively, with Ardleigh House Community Centre immediately south of the site.
- 1.2 The Ardleigh Green campus currently comprises nine buildings constructed between the late 1960s and 2003, ranging from one to four storeys in height. The buildings provide a total of approximately 16,200sqm of internal educational floorspace within a building footprint of 9,665sqm. Car parking is available on site and the site is accessed from Ardleigh Green Road which runs north – south along the western boundary of the site. The College provides teaching and support accommodation for a range of curriculum activities and has three Centres of Vocational Excellence in Accountancy and Finance, Building Services and Manufacturing Engineering.
- 1.3 The general surroundings are predominantly two storeys in height, suburban in character and consist of a mix between terrace, detached and semi detached residential properties. Some flatted development exists along Ardleigh Green Road with a mix of commercial properties further to the north of the site, which falls within the Ardleigh Green Road Major Local Centre.
- 1.4 The site does not form part of any designated policy area as identified within the Local Development Framework Proposals Map, although the Emerson Park Policy Area is located adjacent to the southern boundary.

2. Description of Proposal

- 2.1 The Outline Application seeks permission to redevelop part of the College campus and, with the exception of access, all matters are reserved. In effect, permission is sought for the access with design, position, footprint and height of the proposed building (appearance, layout and scale) as well as landscaping reserved. Subsequent (reserved matters) applications will therefore be required for the appearance, layout, scale and landscaping. The proposed development comprises:
- 2.2 The demolition of 7 buildings including the Foyer and Block 'A' to the front (west), the Estates and 'W' Block in the centre of the site as well as the Nursery, the 'D' and 'E' Blocks to the eastern and south eastern part of the site. The floorspace to be demolished equals 6,550sqm.

- 2.3 The erection of new College buildings including a Hair and Beauty (Block 13) to the west of the site, a covered walkway 'The Street' (Block 14) in the centre, a Senior Management Team (SMT) building (Block 15), a Nursery (Block 10) and Motor Vehicles building (Block 16) to the east with a Sport Hall (Block 17) to the north, in total providing 9,450sq.m of new floorspace:
- Block 13 with a new high level front canopy entrance with glazed side panels measures 70m wide by a maximum depth of 27m to a maximum height of 12.8m. The block provides three storeys of accommodation comprising a maximum of 3,093sq.m of D1 floorspace.
 - Block 14 represents a formation of a double height 'Street' along an east-west axis within the central courtyard. It measures 7.5m wide, 106m deep to a maximum height of 8m and provides 931sq.m of D1 floorspace.
 - Block 15 measures 54m wide, 19.5m deep to a maximum height of 9.9m. The block provides two storeys of accommodation comprising a maximum of 1,925sq.m of D1 floorspace.
 - Block 10 measures 20m wide by a maximum depth of 19m to a maximum height of 4.7m. The block provides a single storey of accommodation comprising a maximum of 363sq.m of D1 floorspace.
 - Block 16 measures 57m at its widest, with a depth of 25m to a maximum height of 10.7m. The block provides two storeys of accommodation with a maximum of 2,781sq.m of D1 floorspace.
 - Block 17 measures 22.5m wide by 25.5m depth to a maximum height of 13m. The block provides three storeys of accommodation (ground, first and second) comprising a maximum of 998sq.m of D1 floorspace.
- 2.4 All of the proposed floorspace will be for educational facilities (Use Class D1). However, the Nursery and parts of the College building may be used out-of-hours for ancillary community use. It is not intended that the Sports Hall would be made available for general community use.
- 2.5 The total cumulative Gross Internal Area (GIA) of the buildings will be a maximum of 19,100sq.m GIA and comprise a maximum of 9,450sq.m of new build floorspace. Maximum dimensions of the proposed buildings are outlined above. Precise dimensions will be established via reserved matters applications.
- 2.6 The number of car parking spaces will be reduced from 518 to 513 with the dedicated provision of 25 additional disabled spaces. A total of 20 motorcycle parking spaces are proposed at 1 space for every 25 car parking spaces. It is further proposed to provide a total of 239 cycle parking spaces on the site, over the existing provision of 40.

- 2.7 New traffic direction with access from the northern vehicular entrance (including a ghost island and a traffic barrier) and egress from the existing southern access point off Ardleigh Green Road. The latter will be maintained for emergency and service vehicles, and a two-way access will be maintained for users of Ardleigh House Community Centre.
- 2.8 New and replacement landscaping is proposed to compensate for the removal of approximately 10 trees along the western boundaries of the site facing Ardleigh Green Road, some to the north and southern boundaries and some to the rear car parking areas.

3. Relevant History

- 3.1 Various applications relating to new classroom blocks and extensions to existing with the most recent and relevant:

P1158.00 Phased redevelopment of campus to provide 8,400sqm of new accommodation and 448 car parking spaces – Outline Approved

P0178.06 Community football project to include main full size grass pitch, artificial training pitch and changing facilities with additional car parking - Appeal Allowed

P1047.08 Provision of basketball court, artificial 5-a-side football pitch with perimeter fencing and erection of acoustic boundary fence - Approved

P0683.09 - Demolition of up to 6,550sqm of existing floorspace and the redevelopment of 9,450sq.m of new educational floor space (Class D1) together with associated landscaping and access (Outline) – Approval granted 14th July 2009.

P0804.10 - Removal of existing temporary building (G Block) and a single storey extension to W block - Approved and implemented

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press as a major development; the overall expiry date of the consultation period is the 7th September. Neighbour notification letters have also been sent to 117 local addresses. At the time of drafting this report, no objections have been received. Members will be updated verbally at the meeting of any representations received.

- 4.2 Comments have also been received from the following:

The Environment Agency
No objections; condition recommended.

Thames Water
No objections.

London Fire and Emergency Authority
No objections.

Highway Authority
No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its adoption in July 2011, the London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.9 (mixed and balanced communities), 3.18 (Education Facilities), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), and 7.4 (local character).

5.3 Local Planning Policy

Policies CP8, CP9, CP10 and CP17 of the LDF Core Strategy Development Plan Document and Policies DC26, DC29, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC55, DC60, DC61, DC62, DC63 and DC72 of the LDF Development Control Policies Development Plan Document are considered to be material considerations in this case.

6. Staff Comments

6.1 The committee report put before the Regulatory Services Committee on 13th August 2009 has been appended to this report (Appendix A.) The report now being put before Members will consider the extent to which there has been any change in circumstances since planning permission P0683.09 was granted. Officers will advise Members as to whether, in their opinion, the previous recommendation should be upheld, or whether it should be subject to change in the light of current policy and other material considerations.

6.2 Applications for the extension of existing planning permissions result in new planning consents being issued and therefore need to be re-assessed in the light of any new planning policies and other changes of circumstances that constitute material considerations. New conditions can be imposed and previous conditions revised or removed where appropriate.

6.3 With the exception of access, all matters are reserved although the indicative plans assist in the consideration of the principle of the development, the

impact of the development on the street scene, the impact on the amenities of adjoining occupiers, amenity space, highway and parking issues.

7. Principle of Development

7.1 Policy 3.18 of the London Plan states that:

“Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged.”

7.2 The Council's own vision for Havering Borough entitled 'Living Ambition', which aims to provide residents with the highest quality of life in London, identifies learning as one of the five key areas through which this vision will be delivered. The goal for learning is to maintain and build upon Havering's reputation as a centre of excellence for education.

7.3 The LDF Core Strategy Development Plan Document supports and seeks to deliver this vision through planning. Improved access to training is identified as a key issue which will help increase employment opportunities for Havering residents, reduce the mismatch between available skills and skills required, and help alleviate spatial inequalities in the Borough.

7.4 In overarching policy terms therefore, the proposal to redevelop the Ardleigh Green Havering College campus is supported as it would improve an existing educational facility, and therefore help to deliver the Mayor's London and the Council's Borough-wide vision of learning opportunities for all.

8. Design Considerations

8.1 Policy DC61 seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. Furthermore, it seeks that the appearance of new developments/alterations is compatible with the character of the surrounding area, and does not prejudice the environment of the occupiers and adjacent properties.

8.2 Officers consider that there has been no change in circumstances since the last application was approved, indicating that the proposal would continue to be acceptable in design terms. The proposal is therefore considered to be acceptable in design terms and the recommendation contained in the previous committee report (Appendix A) should be applied. It is considered that the proposal would have an acceptable impact on the character of the area and that, in this respect, it would be in accordance with Policy DC61 of the LDF.

9. Amenity Considerations

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

- 9.2 Officers consider that there has been no significant change in circumstances since the last application was approved, indicating that the proposal would continue to have an acceptable impact on amenity. The proposal is therefore considered to be acceptable in this respect and the recommendation contained in the previous committee report (Appendix A) should be applied. It is considered that the proposal would have an acceptable impact on the local and residential amenity and that, in this respect, it would be in accordance with Policy DC61 of the LDF.

10. Parking and Highway Issues

- 10.1 The Council's Highway officers have reconsidered the proposal with no objections being raised.
- 10.2 Officers consider that there has been no significant change in circumstances since the last application was approved, indicating that the proposal would continue to be acceptable in highway and access terms. The proposal is therefore considered to be acceptable in this respect and the recommendation contained in the previous committee report (Appendix A) should be applied. It is considered that the proposal would have an acceptable impact on highway safety and amenity and that, in this respect, it would be in accordance with Policies DC32, DC33 and DC34 of the LDF of the LDF.

11. Other Considerations

- 11.1 In all other respects, Officers consider that there has been no change in circumstances since the last application was approved, indicating that the proposal would continue to be acceptable in relation to the other material considerations identified in the previous report. The proposal is therefore considered to be acceptable and the recommendation contained in the previous committee report (Appendix A) should be applied.
- 11.2 As the proposal relates to an educational facility, it is exempt from the Mayoral Community Infrastructure Levy payment.

12. Conclusion

- 12.1 Officers consider that there has been no significant change in circumstances since the granting of planning permission P0683.09 that would now make that proposal unacceptable in planning terms. It is therefore recommended that planning permission be granted for an extension to the time limit of planning permission P0683.09, subject to the conditions recommended above.
- 12.2 The proposal is considered to be acceptable having had regard to Policies Policies CP8, CP9, CP10, CP17, DC26, DC29, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC55, DC60, DC61, DC62, DC63 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposal would provide enhanced learning opportunities for the Borough's residents

BACKGROUND PAPERS

Planning application P0913.12, all submitted information and plans.

APPENDIX A – REPORT TO REGULATORY SERVICES COMMITTEE, 13TH JULY 2009, IN RELATION TO PLANNING APPLICATION P0683.09



MEETING	DATE	ITEM
REGULATORY SERVICES COMMITTEE	13 August 2009	

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: P0683.09
Ardleigh Green Campus

PROPOSAL: Demolition of up to 6,550sqm of existing floorspace and the redevelopment of 9,450sq.m of new educational floor space (Class D1) together with associated landscaping and access (Outline Application received 15th May 2009)

WARD: Squirrels Heath

SUMMARY

This report concerns an application for Outline planning permission for the demolition and redevelopment of part of the Havering College campus buildings in Ardleigh Green with new educational floor space. Staff consider that the proposal would accord with the relevant policies contained in the Local Development Framework Core Strategy and the Development Control Policies Development Plan Documents, as well as the London Plan.

For the reasons set out in the report, Staff consider that a grant of permission can be given subject to the satisfaction completion of the planning conditions as set out below.

RECOMMENDATION

That Staff be authorised to grant planning permission subject to the conditions set out below.

2. The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, including all matters defined as "appearance", "landscaping", "layout" and "scale" in the Town and Country Planning (General Development Procedure) Order (herein after called "the reserved matters").

Reason: The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. The development to which this permission relates must be begun not later than the expiration of three years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5. SC09 (Details of materials)
6. SC11 (Landscaping)
5. SC32 (Accordance with plans)
6. SC59 (Cycle Parking)
7. SC62 (Construction hours)
10. SC63 (Construction methodology)
11. Prior to the commencement of the development, a Construction Management Strategy, to include a detailed phasing plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and, thereafter, permanently retained.

Reason: In the interests of amenity.

10. Full details of noise levels from plant or processes and, where appropriate, a scheme of noise attenuation and treatments are to be submitted to, and approved by, the Local Planning Authority prior to development, and once approved shall be fully installed before the plant is first used.

Reason: To prevent any adverse effect on the amenity of neighbouring and prospective residential occupiers from the use hereby approved.

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:

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 by 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 these engaged in construction and occupation of the development from potential contamination.

12. Prior to the commencement of the development, details of the proposed works affecting the public highway shall be submitted to and approved in writing by the Local Planning Authority, and all necessary agreements, notices or licenses to enable the proposed alterations to the Public Highway shall be entered into and secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety.

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

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in Policy CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD and Policy 4B.6 of the London Plan.

14. Prior to the commencement of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of staff, students and visitors, and the prevention of crime throughout the campus, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor.

Reason: In the interests of creating safer, sustainable communities and residential amenity, reflecting guidance set out in CP17 of the LDF Core Strategy, DC63 of the of the Development Control Policies DPD, 4B.6 in the London Plan, PPS1 and PPS3.

15. Prior to the commencement of the development hereby permitted a scheme shall be submitted in writing providing details of how, the parking throughout the whole development shall comply with the Park Mark Safer Parking Award standards. Once approved in writing by the LPA, in consultation with the Crime Prevention Design Advisor, the development shall be carried out in full accordance with the agreed details

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in Policies CP17 of the LDF Core Strategy, DC33 and DC63 of the Development Control Policies DPD, 4B.6 in the London Plan and PPS1.

17. Prior to the commencement of the development hereby approved, details of any external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in

accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and site security.

17. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Statement shall include tree protection measures and specifications including the provision of nest-boxes which shall be carried out in complete accordance with the agreed details and /or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and to protect the trees on the site. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

18. No occupation shall take place until the developer provides a copy of the final Building Research Establishment (BRE) certificate, confirming that the design of the completed phase of the development achieves a minimum BREEAM rating of "Very Good". The development shall be carried out in full accordance with the agreed Sustainability Statement and the developer shall carry out, and provide to the Local Planning Authority, a BREEAM Post Construction Assessment. The BREEAM Post Construction Assessment shall be carried out on all of the development to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies DPD and Policy 4A.7 of the London Plan.

19. Prior to the commencement of development an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall incorporate an energy demand assessment, and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the new build development. The Statement shall include details of a renewable energy/low carbon generation system or low carbon for the proposed development, which will displace at least 20% of carbon dioxide emissions on all newly created floorspace, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the new/replacement floorspace prior to its occupation and in accordance with the phasing plan. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 in the LDF Development Control Policies Development Plan Document and Policies 4A.7, 4A.8 and 4A.9 of the London Plan.

20. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 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 prior to the development being completed.

Reason: To prevent the increased risk of flooding to the site and third parties, to improve and protect water quality and improve amenity and habitat.

21. Before the use hereby approved first commences a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of measures to be put into place to encourage sustainable modes of travel to the site, such as walking, cycling, use of public transport and car sharing and shall include provisions for future monitoring and review.

Reason: To encourage alternative means of transport to the site in the interests of highway safety and sustainability and to accord with Policy CP9 of the Core Strategy Plan Document.

INFORMATIVES:

1 Reason for Approval:

This decision to grant planning permission has been taken:

(i) having regard to Policies CP8, CP9, CP10 and CP17 of the LDF Core Strategy Development Plan Document and Policies DC26, DC29, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC60, DC61, DC62, DC63 and DC72 of the LDF Development Control Policies Development Plan Document, the London Plan and Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 22 'Renewable Energy'.

(ii) for the following reason: The proposed development would cause no significant material impact upon the free and safe flow of traffic within the locality. Whilst the proposed development would have an impact upon the street scene and adjoining residential occupiers, this harm would not be prejudicial and the proposals would help to deliver the Borough vision of learning excellence and opportunities for all.

2. The applicant is advised that this planning permission does not constitute Highways approval, which will need to be sought separately prior to the commencement of the development. 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 Traffic & Engineering, Technical Services on 01708 432501 to commence the Submission/Licence Approval process.

3. In aiming to satisfy conditions 10, 11 and 12, the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises approximately 5.46 hectare of land and relates to the Havering College site known as Ardleigh Green Campus, located in Hornchurch. The college site is bounded by Ardleigh Green Road to the west, Nelmes Way to the south, and residential properties facing onto Birch Crescent, Russets and Brindle frontages to the north east and east respectively, with Ardleigh House Community Centre immediately south of the site.
- 1.2 The Ardleigh Green campus currently comprises nine buildings constructed between the late 1960s and 2003, ranging from one to four storeys in height. The buildings provide a total of approximately 16,200sqm of internal educational floorspace within a building footprint of 9,665sqm. Car parking is available on site and the site is accessed from Ardleigh Green Road which runs north – south along the western boundary of the site. The College provides teaching and support accommodation for a range of curriculum activities and has three Centres of Vocational Excellence in Accountancy and Finance, Building Services and Manufacturing Engineering.
- 1.3 The general surroundings are predominantly two storeys in height, suburban in character and consist of a mix between terrace, detached and semi detached residential properties. Some flatted development exists along Ardleigh Green Road with a mix of commercial properties further to the north of the site, which falls within the Ardleigh Green Road Major Local Centre.
- 1.4 The site does not form part of any designated policy area as identified within the Local Development Framework Proposals Map, although the Emerson Park Policy Area is located adjacent to the southern boundary.

2. Description of Proposal

- 2.1 The Outline Application seeks permission to redevelop part of the College campus and, with the exception of access, all matters are reserved. In effect, permission is sought for the access with design, position, footprint and height of the proposed building (appearance, layout and scale) as well as landscaping reserved. Subsequent (reserved matters) applications will therefore be required for the appearance, layout, scale and landscaping. The proposed development comprises:

- 2.2.1 The demolition of 7 buildings including the Foyer and Block 'A' to the front (west), the Estates and 'W' Block in the centre of the site as well as the Nursery, the 'D' and 'E' Blocks to the eastern and south eastern part of the site. The floorspace to be demolished equals 6,550sqm.
- 2.2.2 The erection of new College buildings including a Hair and Beauty (Block 13) to the west of the site, a covered walkway 'The Street' (Block 14) in the centre, a Senior Management Team (SMT) building (Block 15), a Nursery (Block 10) and Motor Vehicles building (Block 16) to the east with a Sport Hall (Block 17) to the north, in total providing 9,450sq.m of new floorspace:
- Block 13 with a new high level front canopy entrance with glazed side panels measures 70m wide by a maximum depth of 27m to a maximum height of 12.8m. The block provides three storeys of accommodation comprising a maximum of 3,093sq.m of D1 floorspace.
 - Block 14 represents a formation of a double height 'Street' along an east-west axis within the central courtyard. It measures 7.5m wide, 106m deep to a maximum height of 8m and provides 931sq.m of D1 floorspace.
 - Block 15 measures 54m wide, 19.5m deep to a maximum height of 9.9m. The block provides two storeys of accommodation comprising a maximum of 1,925sq.m of D1 floorspace.
 - Block 10 measures 20m wide by a maximum depth of 19m to a maximum height of 4.7m. The block provides a single storey of accommodation comprising a maximum of 363sq.m of D1 floorspace.
 - Block 16 measures 57m at its widest, with a depth of 25m to a maximum height of 10.7m. The block provides two storeys of accommodation with a maximum of 2,781sq.m of D1 floorspace.
 - Block 17 measures 22.5m wide by 25.5m depth to a maximum height of 13m. The block provides three storeys of accommodation (ground, first and second) comprising a maximum of 998sq.m of D1 floorspace.
- 2.2.3 All of the proposed floorspace will be for educational facilities (Use Class D1). However, the Nursery and parts of the College building may be used out-of-hours for ancillary community use. It is not intended that the Sports Hall would be made available for general community use.
- 2.2.4 The total cumulative Gross Internal Area (GIA) of the buildings will be a maximum of 19,100sq.m GIA and comprise a maximum of 9,450sq.m of new build floorspace. Maximum dimensions of the proposed buildings are outlined above. Precise dimensions will be established via reserved matters applications.
- 2.2.5 The number of car parking spaces will be reduced from 518 to 513 with the dedicated provision of 25 additional disabled spaces. A total of 20 motorcycle parking spaces are proposed at 1 space for every 25 car parking spaces. It is

further proposed to provide a total of 239 cycle parking spaces on the site, over the existing provision of 40.

- 2.2.6 New traffic direction with access from the northern vehicular entrance (including a ghost island and a traffic barrier) and egress from the existing southern access point off Ardleigh Green Road. The latter will be maintained for emergency and service vehicles, and a two-way access will be maintained for users of Ardleigh House Community Centre.
- 2.2.7 New and replacement landscaping is proposed to compensate for the removal of approximately 10 trees along the western boundaries of the site facing Ardleigh Green Road, some to the north and southern boundaries and some to the rear car parking areas.
- 2.2.8 In addition to the above, the following documents have been submitted in support of the application, providing further information for illustrative or explanatory purposes:

- Planning Statement;
- Illustrative Master Plan (Drawing: 07378/003 P3);
- Transport Statement;
- Contamination Desk-Top Study;
- Tree Survey;
- Flood Risk Assessment;
- Energy Assessment;
- Statement of Community Involvement;
- Extended Phase 1 Habitat Survey;
- BREEAM Strategy Report.

3. Planning History

- 3.1 Various applications relating to new classroom blocks and extensions to existing with the most recent and relevant:

P1158.00 Phased redevelopment of campus to provide 8,400sqm of new accommodation and 448 car parking spaces – Outline Approved

P0178.06 Community football project to include main full size grass pitch, artificial training pitch and changing facilities with additional car parking - Appeal Allowed

P1047.08 Provision of basketball court, artificial 5-a-side football pitch with perimeter fencing and erection of acoustic boundary fence – Approved

4. Consultations/Representations

- 4.1 113 neighbouring and nearby properties were notified of the application by individual letters. 5 letters of representation have been received, 1 in support and 4 objecting to the proposals. The concerns raised include the removal of

- trees within the church boundaries, overdeveloped site, noise, pollution, antisocial behaviour, loss of parking, impact on highways and increased traffic.
- 4.2 Thames Water raises no objection and comments on surface water drainage, sewerage infrastructure and water supply.
- 4.3 The Crime Prevention Design Advisor raises no objection to the application subject to 'Secure by Design' conditions including CCTV and parking Standards.
- 4.4 The London Fire Brigade requires the 3 existing private fire hydrants to be retained.
- 4.5 The London Fire and Emergency Planning Authority (LFEPA) states that insufficient information has been submitted and requires a scaled plan, showing drive up access routes to all buildings, indication of appliances turning and parking as well as reversing points and entrance doors into buildings.
- 4.6 The Environment Agency raises no objection subject to a condition requiring a surface water drainage scheme to be submitted for the site.

5. Staff Comments

- 5.1 With the exception of access, all matters are reserved although the indicative plans assist in consideration of the principle of the development, the impact of the development in the street scene, the impact on the amenities of adjoining occupiers, amenity space, highway and parking issues.
- 5.2 In bringing these proposals forward, the applicant has adopted a masterplan approach in order to achieve a modern, fit for purpose College, and to complete the masterplan for the campus which has already been partially implemented. The redevelopment will improve the existing facilities on offer and provide more courses to students. The development would also enable the College to provide facilities to compete effectively in the further education sector within the region. By adopting such an approach, it is somewhat inevitable that the resultant built form will be significantly different to that currently on site. The impacts arising therefore need to be carefully considered. This is set out in the report below.
- 5.3 Policies CP8, CP9, CP10 and CP17 of the LDF Core Strategy Development Plan Document and Policies DC26, DC29, DC32, DC33, DC34, DC35, DC36, DC48, DC49, DC50, DC51, DC55, DC60, DC61, DC62, DC63 and DC72 of the LDF Development Control Policies Development Plan Document are considered to be material in the consideration of this application.
- 5.4 Policies 2A.1, 3A.24, 3A.25, 3C.21, 3C.22, 3C.23, 4A.3, 4A.7 and 4B.1 of the London Plan are also considered to be relevant, together with Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 22 'Renewable Energy'.
- 5.5 Principle of Development

- 5.5.1 From a strategic perspective, the London Plan makes clear that access to a high quality education is a fundamental determinant of the future opportunities and life choices of London's children and young people. The London Plan also outlines that access to further education plays a key role in skills development and life long learning of Londoners.
- 5.5.2 The Council's own vision for Havering Borough entitled 'Living Ambition', which aims to provide residents with the highest quality of life in London, identifies learning as one of the five key areas through which this vision will be delivered. The goal for learning is to maintain and build upon Havering's reputation as a centre of excellence for education.
- 5.5.3 The LDF Core Strategy Development Plan Document supports and seeks to deliver this vision through planning. Improved access to training is identified as a key issue which will help increase employment opportunities for Havering residents, reduce the mismatch between available skills and skills required, and help alleviate spatial inequalities in the Borough.
- 5.5.4 In overarching policy terms therefore, the proposal to redevelop the Ardleigh Green Havering College campus is supported as it would improve an existing educational facility, and therefore help to deliver the Mayor's London and the Council's Borough-wide vision of learning opportunities for all.
- 5.6 Impact upon Streetscene
- 5.6.1 As detailed above, the existing campus is located within a residential area which is characterised by bungalows as well as two storey detached, semi-detached and terraced housing. The campus itself ranges from one to four storey height buildings which are set back from Ardleigh Green Road arranged around a central courtyard, with the campus car park arranged along the access road to the rear. The site comprises 9 buildings constructed between the late 1960s and 2003.
- 5.6.2 The College's estates review has concluded that five of the nine buildings are regarded as 'no longer fit for purpose' and graded D by the Learning & Skills Council. These include D Block, E Block, W Block, The Estates Building and the Nursery, which are generally temporary buildings which have come to the end of their economic life. Some are considered to be structurally unsafe. It is proposed to demolish all of these buildings as part of this application.
- 5.6.3 The design approach, scale and siting of the new buildings as indicated in the submission is such that a landmark feature would be created within the street scene. Block 13 would replace A Block and is located to the front of the campus, approximately 50m due east of the back edge of the footway in Ardleigh Green Road. As illustrated it would adopt a contemporary design approach, with rendered and glazed panels, which would set it apart from the prevailing local architectural character. The existing three storey building (Block B) adjacent the front entrance enables Block 13 to blend in well with the scale and design of this recent addition. The indicative alterations to the front

would step down to single storey height towards the southern boundary of the campus and would respect the adjacent scale of development at Ardleigh House.

- 5.6.4 Staff consider that the visual impact of the new replacement development upon the street scene would be less than that of the existing A Block, and would be acceptable subject to the use of high quality external finishes. As illustrated, the new entrance with canopy and glazed side panels would positively contribute to the built quality of this part of the Borough. Much depends upon the reserved matters applications reflecting the quality of the illustrative material submitted with this outline application.
- 5.6.5 The two storey Block 16 would be located to the rear of Ardleigh House and, although replacing a single storey workshop (E Block), would be largely hidden from view in streetscene terms. It would be set at a significant distance from both Ardleigh Green Road and Nelmes Way, (160m and 90m respectively) and would be further obscured by dense and mature trees on the corner of the junction between the two roads. Similarly the new Sport Hall (Block 17) would be set to the rear of the existing three storey B and H Blocks, and would not cause a detrimental impact on the streetscene.
- 5.6.6 The Performance and Foyer buildings would be retained in their current form and would adjoin the new covered walkway. 'The Street' would be to double height and connect to the new Nursery and SMT building to the rear. These buildings would be arranged to the rear within the central courtyard and would for the most part be obscured from the adjacent roads. Due to their position, design and scale, it is not considered that these buildings would be prejudicial to visual amenity. Any further visual impact to neighbouring properties adjacent to the rear of the site could be mitigated by way of landscape planting to boundaries.

5.7 Design and Appearance

- 5.7.1 This part of Ardleigh Green Road is principally characterised by two storey buildings, although three storey flatted developments are located further to the north and south along Ardleigh Green Road. Houses to the rear on Birch Crescent, Russets and Brindles, Nelmes and Garland Way is characterised by two storey buildings. The scale of built form within the local area is considered to be typical of the Borough's built-up areas.
- 5.7.2 The campus site is adjacent to an open and well landscaped prominent corner location. The proposed drop in building height towards the corner, the reduction in scale of the buildings to the front along with improved articulation to the street frontage would reduce the overall bulk and mass of the buildings. It is considered that the reduced scale, mass and bulk illustrated would be in keeping with the prevailing form of development in the area. The revised scheme is therefore considered to be acceptable in terms of appearance and impact on the streetscene.

- 5.7.3 Attempt has also been made to articulate the buildings (through physical breaks in the façades and the use of a variety of finishing materials and roof forms) which achieve a more cohesive type of design required for such a prominent development. The reduction in the building scale along Ardleigh Green Road results in improved proportions and this integrates more with existing buildings and the overall street frontage at this point.
- 5.7.4 The scale of the proposed buildings work well with the existing streetscene and the overall streetscene along Ardleigh Green Road, with the three storey building set back from the street edge and a 'green buffer' zone between. Together with the existing trees, the front of the college has been addressed to maintain and enhance the human scale of the buildings.
- 5.7.5 The SMT block will replace an existing single storey workshop building. Although the proposed building would increase the current footprint, the limit in height to 1.5 to 2 storeys is not considered to add significant mass to this part of the site. Linked to the eastern side of the SMT block is a single storey building housing the Nursery. This building has been kept to a single storey to aid its use and to reduce the scale of the building at this end. The nursery also has a small external play area for children.
- 5.7.6 Below the SMT building and, physically un-linked to the rest of the campus, is the Engineering block. This again is shown to be sitting over the position of previous workshop facilities and is proposed to be a two storey building. The illustrative plans indicate that the scale of this building would be similar to others, with the external appearance providing definition to the prevailing form of development on the campus. However, it is suggested that the architecture might differ allowing this building its own unique identity on the site.
- 5.7.7 It is proposed to locate a new 3 court sports hall to the top north eastern corner of the site, over the existing basketball courts. This building is intended to be linked to the existing J Block and would be similar in scale and bulk. Additionally the H block, which the sports hall will be adjacent to, is similar in height.
- 5.7.8 With the introduction of 'The Street' and SMT block, together with the new Sports Hall facility to the north eastern corner of the site, a new courtyard is formed to the heart of the site with the existing buildings retained along the northern part of the site. The buildings, both existing and proposed, are of a scale that is considered to maintain and improve on the character and appearance of the campus site. It is considered that the scale of development would be subordinate to the prevalent form of development within the site.
- 5.7.8 The Design and Access Statement demonstrates that a scheme has been progressed in some detail in terms of materials. However, in an outline application, final determination of materials etc would be dealt with as reserved matters.

5.7.9 It is considered that the design and appearance of the buildings would be consistent with Policies CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

5.8 Amenity Issues

5.8.1 From a residential amenity perspective, impacts arising from the proposal fall into four broad themes: whether the new buildings are physically overbearing, whether a prejudicial loss of privacy would arise, whether car parking overspill would occur and whether a harmful level of noise and disturbance would result from the development. These impacts are collectively explored below in relation to properties facing Ardleigh Green Road opposite the site, Birch Crescent, Nelmes Way, Brindles and Russetts.

5.8.2 The Sport Hall would be set closest to adjacent residential properties with the building set approximately 60m from properties facing Birch Crescent to the rear of the site. This is approximately 6m closer than the nearest building on this part of the college site. On the basis of these dimensions, it is considered that the relationship between these houses and the campus would not be markedly different to that existing at present. It would further be divided by a private access road to the rear of the houses and a dense high hedge which would obscure most views and noise between the campus and the residential properties.

5.8.3 It should also be noted that the grass covered area at the rear of the college is already used on occasions by the college students for the purposes of recreational activities. An artificial football pitch has also been agreed recently which would be sited closer to the eastern boundary of the site and would be some 12m from the boundary with the closest residential property in Brindles. It is not considered that the proposed sporting facilities will cause a noise impact to the local residential properties, although a condition is recommended that would ensure that any noise impact would be mitigated.

5.8.4 Similarly the residents in Brindles and Russetts would be screened from the new buildings, in particular the new engineering workshop in Block 16. The distance to the nearest property, which is identified as 7 Russetts, would be approximately 70m and given the existing landscaped buffer and high hedge on the common boundary, would prevent any significant noise impact or overlooking to these neighbouring residential properties.

5.8.6 Residents of dwellings in Brindles, Nelmes Way and Ardleigh Green Road are further away from the proposed development with a distance of 115m between Block 16 and the nearest residential property at Nelmes Way. The properties facing Nelmes Way is effectively screened from the development by existing mature trees along the southern boundary. The redevelopment at the front would be set further away from properties facing Ardleigh Green Road, with the nearest point being some 66m from 137 Ardleigh Green Road.

5.8.7 The Nursery and the Sport Hall to the rear and Hair and Beauty block to the front would be sufficiently removed from adjacent neighbouring properties.

The applicant confirmed that these buildings would be solely used by the college and would remain as D1 educational land. The situation will not change from the existing. Part of the College building is used out-of-hours by the Health & Beauty department. However, it is not intended to open this up to the public. The proposed development, although adding additional floorspace, is not considered to result in an over-intense use leading to overdevelopment of the site over and above that normally associated with colleges of this size and status.

- 5.8.8 The applicant confirmed that, following concerns raised from the Emerson Park and Ardleigh Green Residents' Association, the requests that further measures are undertaken to protect residential amenity be incorporated in the proposals. It is proposed that the boundary around part of the site be reinforced with additional landscaping to avoid potential noise and general disturbance as well as soften the appearance of the buildings to the rear. The proposals include landscaping to the boundaries of the site and all landscape details can be covered by way of appropriate landscape condition.
- 5.8.9 It is further highlighted in neighbours concerns that anti-social behaviour exists in connection with the usage of the campus site. Consultation have taken place with the Crime Prevention Advisor who requires that the campus benefits from surveillance. The College currently benefits from on site security (including regular patrols of the site) in addition to a CCTV system which is in operation. As suggested by the Crime Prevention Advisor however, Havering College of Further Education is willing to extend the coverage of the CCTV system and install additional cameras which could cover the new facilities. This could be controlled by way of a suggested condition to any grant of planning permission.
- 5.8.10 The proposed development is planned to be divided up in four phases to allow the operation of the college to continue throughout the development. The illustrative plans show the temporary buildings to be established on an area of car parking in the southern portion of the site. It is recommended that a detailed Construction Method Statement covering the proposed phasing and siting of the temporary accommodation to be a requirement of a reserved matters application.
- 5.8.11 It is considered that the proposals would not result in unacceptable conditions in terms of privacy, outlook, noise, loss of light or overbearing effect and complies with Policy DC61 of the LDF Development Control Policies DPD.
- 5.9 Car Parking/Highways Issues
- 5.9.1 The car parking and transportation aspect of the proposed scheme has been addressed through a Transport Statement which considers the impact of the development on the various modes of travel in the local transport network and includes the detailed traffic analysis.
- 5.9.2 The applicant states that the proposed development would not increase the student capacity of the College. They however forecast natural growth in

students and staff at the College and base the trend over the year 2017/18 whereby the College forecast that they will employ 502 staff (368 FTE) and have 3,727 FTE students. The total Full Time Equivalent (FTE) value for the site will be 4,095. Therefore, based on the car parking standards of 1 space per 2 staff and 1 space per 15 students, a maximum of 432 spaces based on the FTE numbers should be provided. The applicant however base the parking provision on the total full-time and part-time staff numbers (502), which would require a maximum of 499 car parking spaces.

- 5.9.3 Although there would be a marginal reduction of on-site car parking spaces, the development proposal intends to provide a total of 513 car parking spaces and is therefore above the required 499 spaces. The site will provide a further 8 disabled spaces as compared to the existing total and makes up the difference between the proposed level of parking and the required standard. The College currently provides 17 disabled spaces but the new proposal will provide a total of 25 spaces. The majority of these spaces (16) will be located adjacent to the building which is considered to be an improvement compared to the existing situation. The proposed level of parking is therefore considered acceptable, particularly as the College is to provide a Travel Plan which will encourage the use of sustainable modes.
- 5.9.4 The proposed development will therefore not result in a direct increase to the on-site student population of the College and the development proposal will reduce the existing car parking provision from 518 spaces to 513 spaces. The current and proposed overprovision above standards is afforded to additional disabled spaces and will minimise the opportunity for student parking upon the local roads. The College has sought to significantly increase the amount of cycling parking on site in accordance with the principles of sustainability set out in PPS1, The London Plan and the adopted documents contained within the Havering Local Development Framework.
- 5.9.5 The vehicular access and on-site movement strategy will alter as part of the redevelopment proposals. The new strategy will result in a reversal of the existing one-way vehicle arrangement through the site, with the current northern exit onto Ardleigh Green Road becoming the sole entrance for all vehicles except for delivery and refuse needs. The proposed access alterations also include modifications to the existing highway with the creation of a new ghost right turn island to support the new main vehicular entrance. This will allow an increased number of vehicles to safely wait in the centre of the carriageway before turning into the College, as compared to the existing situation at the southern access. This will therefore reduce the potential obstruction of right turning vehicles to vehicles travelling northbound on Ardleigh Green Road. The design of the proposed ghost right turn island arrangement has been considered in the context of the existing layout and visibility requirements of the signalised crossing situated approximately 80 metres to the south. It is therefore considered that the proposals do not impact on the safe operation of this important pedestrian facility. Entry into the site will further be improved through the provision of a more efficient car park barrier entry system that will significantly reduce internal queues and greatly reduce the impact that the College has on the operation of Ardleigh Green Road

during peak periods. The southern access on Ardleigh Green Road will continue to permit limited access for servicing and delivery needs, although its primary function will be for vehicles existing the college.

- 5.9.6 The site access arrangement has been designed to allow service and emergency vehicles to access the site via both the northern and southern access junctions and to be able to travel through the site. Emergency access to the College buildings has therefore not been compromised with the proposed layout. For general servicing and refuse deliveries it is proposed that the southern Ardleigh Green Road access junction be used for both access and egress as this provides a more direct access to the proposed service area. It should be noted that access into the service bay from the southern link will impact on the exit barrier and this will therefore need to be controlled by security / estates staff during delivery times. The management of the barrier could be controlled by way of condition to secure further details.
- 5.9.7 The introduction of a central spine linking the existing Block A and new front building to the other new buildings towards the rear of the site helps to provide the campus with an easily understandable form and movement path. This spine is intended to be in the form of a glazed street, two storeys height with much of it being open double height space. The street will be the main circulation space to the college housing all four main entrances for registered users and the public to enter.
- 5.9.8 The proposals would be consistent with Policies DC32, DC33 and DC36 subject to the recommended conditions.

6 Other issues

- 6.1 It is proposed to include a secure entry system into the site as well as CCTV. The Borough's Crime Prevention Design Advisor raises no concern with regards to the scheme subject to conditions as attached to this report.
- 6.2 Policy DC72 in the LDF requires planning obligations to be sought towards sustainable development where appropriate. Given the scale of the proposed development and the likely need of prospective occupants, the scheme does not require the applicant to contribute either financially or otherwise through a Section 106 Agreement towards either transport infrastructure or other improvements to services in the area.
- 6.3 As noted above, a number of unpreserved trees are located within the site boundaries. Some of these trees are proposed to be retained (these are the largest of the specimens), with 7 trees along the southern boundary, 5 trees along the western and 6 towards the centre and rear of the site proposed to be felled (18 in total). For those trees to be retained, measures are outlined for their protection during construction. These measures can be achieved via condition to secure the submission of an Arboricultural Method Statement. A hard and soft landscaping condition could also secure appropriate replacement planting to compensate for the removal of trees to the rear of the site.

- 6.4 The applicant has provided an outline sustainability statement and energy assessment, which show how the Council's sustainability related policies are to be met. However the Energy Assessment provided is based on standard energy benchmarks as no detailed designs have been developed and highlights a number of possible options. Therefore the applicant should be required to provide more detail when it becomes available for each phase. The applicant has however offered a commitment to achieve a minimum BREEAM rating of "Very Good" and to provide a renewable energy system which displaces up to 20% of carbon dioxide emissions above Building Regulations. This commitment could be secured via condition.
- 6.5 The application is accompanied by a Flood Risk Assessment. Subject to the imposition of a condition regarding surface water drainage, the Environment Agency is satisfied with the proposals.
- 6.6 Given the scale of development, there would be no implications in terms of affordable housing, education, highway or any other contributions or obligations as expressed within Policy DC72.

7. Conclusion

- 7.1 In summary, the proposed outline scheme will provide a range of benefits, including the provision of updated fit-for-purpose College facility, which will enable the Havering College to compete effectively in the further education sector within the region. It would provide enhanced physical and visual linkages between the site and the surrounding area, through the provision of modern high quality facilities.
- 7.2 The proposed development will enable Havering College to retain and improve its presence in Ardleigh Green and address operational issues associated with the poor space utilisation of the College and the degradation of the buildings on the site. The provision of new facilities will allow the College to continue to attract and retain students and provide a stimulus for ongoing learning.
- 7.3 The redevelopment proposals for the Ardleigh Green Campus have been developed in the context of national, strategic and local planning policies and the scheme is in accordance with all relevant policies and guidance contained in the Local Plan, the London Plan and national planning policy guidance, and will provide a range of planning benefits of national, regional and local significance.
- 7.4 Taking all of the factors detailed above into account, Staff consider that as a matter of judgement, Outline Planning Permission can be given.

8. Financial Implications and Risks

- 8.1 None.

9. Legal Implications and Risks

9.1 Planning and other agreements will not need to be prepared.

10. Human Resource Implications

10.1 None.

11. Equalities and Social Inclusion Implications and risks:

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

Staff Contact: Helen Oakerbee
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CHERYL COPPELL

Chief Executive

Background Papers List

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

13 September 2012

Subject Heading:

P0639.12 –Land opposite 1 & 3 Craven Gardens, Lodge Lane, Collier Row – Extension of time application to P0485.09 Development of part of former playground for 2 No. 2-bed and 1No. 4-bed houses (received 31 May 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 extension of time to implement an approved scheme (P0485.09) for three houses: a pair of semi-detached 2-bedroom houses and a detached 4-bed house. This would include the provision of three new vehicular accesses onto Craven Gardens and retain the existing access into the retained playground area to the rear (North). Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended for the extension of the time limit to implement the scheme, subject to a Legal Agreement and conditions.

RECOMMENDATIONS

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 262.78m² and amounts to £5,255.60.

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

- A financial contribution of £18,000 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 legal 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 a legal agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country 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 submitted to and approved by the Local Planning Authority.

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 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

8. NSC02 Prior to the commencement of the 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.

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

Reason: To provide satisfactory off-street parking at the site to accord with Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.

10. SC14 (visibility splays) - Clear and unobstructed visibility sight lines shall be provided to the satisfaction of the Local Planning Authority in the position and for the distance shown on the approved plan. The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

11. SC11 (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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in accordance with Policy DC60 of the LDF Core Strategy and Development Control Policies DPD.

12. NSC03 Prior to commencement of the development, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the proposal has an acceptable impact on visual amenity in the street scene in accordance with Policy DC61 of the LDF Development Control Policies DPD.

13. NSC04 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 CP10, CP17 and DC61 of the LDF Core Strategy and Development Control Policies DPDs.

14. NSC05 The necessary agreement, notice and/or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development. A Commercial standard access will be required for demolition and construction activities.

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

15. NSC06 Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in NPPF, and The LONDON PLAN, and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy condition 15, 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. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

3. Reason for approval:

The proposal accords with Policies CP1, CP7, CP17, DC2, DC3, DC18, DC20, DC61 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, the London Plan and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85.00 is required per submission pursuant to discharge of condition.

4. 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 262.78m² which equates to a Mayoral CIL payment of £5,255.60

REPORT DETAIL

1. Site Description

- 1.1 The application site to the north of the highway, Craven Gardens, close to the junction with Lodge Lane comprises a grassed area which, at the time of the site visit, was in use for horse grazing. It formerly formed part of a vacant playground/recreation area. To the south-west of the application site are gates in the boundary fencing. The site area is 0.07 hectares.
- 1.2 The site adjoins an area of Metropolitan Green Belt to the west and north of the application site which comprises the remainder of the former playground area; beyond which are open fields. To the south and east of the site are mainly two-storey residential properties within the urban area.

2. Description of Proposal

- 2.1 The proposal is for an extension to the time period to implement the approval granted in June 2009. The scheme is for the erection of three 2-storey houses; one a detached 4-bedroom house and the others a pair of semi-detached 2-bedroom houses on the 56m wide and between 9.5m and 16.5m deep site.
- 2.2 Each of the 2-storey semi-detached pair would be 8.1m deep and 4.85m wide with gable-sided roof with a maximum ridge height of 7.8m above ground level. The detached part 1/part 2 storey house would have a maximum depth of 7.85m and 9.1m wide with an attached garage; its gable-sided roof would have a ridge height of 8.2m above ground level. It would have three dormer windows to its front elevation.
- 2.3 Due to the restricted depth of the application site, residential amenity space would be provided mainly to the side of each property and would for the semi-detached pair be 94 sq.m and 91.8 sqm and for the detached house, 199 sq.m.
- 2.4 Each property would be provided with two parking spaces; with one in a garage for the detached house. A new vehicular access would be provided for each property onto Craven Gardens.

- 2.5 The overall proposal for the immediate area includes the provision of a vehicular access to the remaining part of the former playground site (within the Green Belt), which does not form part of this application site.

3. **History**

- 3.1 P0485.09 - Development for former playground for 2x2 bed and 1 x4 bed house – Approved 01/06/09
- P0465.12 – Erection of 4 dwellings (2x3-bed semi-detached and 2x4 bed) – currently under consideration

4. **Consultation/Representations**

- 4.1 9 neighbouring and nearby properties were notified of the application for a time extension. A site notice was posted and a press notice placed in a local paper. There were no replies.
- 4.2 The Metropolitan Police Design Advisor has written to request that conditions and an informative attached to the original approval in relation to Secured by Design are similarly attached to the current application.
- 4.3 Thames Water have written to remind the developer that they are responsible for the proper provision of drainage to ground, water courses or a suitable sewer. They also indicate that there are public sewers crossing or close to the application site and that their approval would be needed if any works would come within 3m of a public sewer, but it would be likely to be refused for any new buildings.
- 4.3 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 should 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 main issue is whether there have been any changes in legislation or policy since planning permission was granted on 1st June 2009 that would result in an alternative recommendation being made. The LDF was adopted in 2008 and remains unchanged. The London Plan was revised in 2011 and the National Planning Policy Framework was published in March 2012.
- 5.2 As before the issues relating to the proposal itself are: the principle of the development, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/car parking issues. Policies CP1, CP7, CP17, DC2, DC3, DC18, DC20, DC61 and DC72 of the Local Development Framework Core and Development Control

Policies Development Plan Documents 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

- 5.3 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The proposal is for the redevelopment of part of the existing field, formerly a playground, for residential development. Policy CP7 indicates that the Council will seek to retain and increase access to recreation and leisure opportunities by, among others, retaining existing facilities where a need exists. Policy DC18 specifies that if public open space is surplus to requirements because other facilities exist in the locality, alternative uses will be allowed. Policy DC20 indicates that the Children's Play Space standard is 0.8 hectares per 1,000 population with access to formal/informal play provision within 400m of home.
- 5.4 A new formal play area has been provided to the south in Lodge Lane, however, it is located approximately 600m from the application site. The remainder of the existing playground would be retained together with (as part of the current proposal) its existing access from Lodge Lane. No details have been provided as to a specific use of this area although it is within the Metropolitan Green Belt where Policy DC45 indicates that outdoor recreation would be a suitable continuing use. In addition, Lodge Lane itself provides access to the north into the Green Belt, for informal recreation, mainly walking and similar activity.
- 5.5 It was previously considered that the existing site had limited recreational value as it was locked, contained no useable play equipment and has been effectively unused land for a considerable period of time. Therefore the loss of the small area of open land (outside the Green Belt) was considered previously to be acceptable.
- 5.6 The proposal is for the erection of housing within the urban area. Whilst this is directly adjacent to the green belt and somewhat remote from facilities, as previously, it is considered that the site accords with Policy CP1 in that it would help to meet the housing targets and would be on existing open urban land, would be on land not designated for other uses within the urban area and would additionally be outside the Green Belt. The site is also served by public transport (a short walk to the south) and there are some limited shops in the locality and at the far end of Lodge Lane.
- 5.7 The London Plan and the NPPF promote the better use of urban land and support in general the provision of a range of housing to meet identified needs. As previously, therefore, it is considered that the proposed development would be acceptable in principle.

Density/Site Layout

- 5.8 The proposal is to provide 3 houses at the application site which is 0.07 hectares. Policy DC2 indicates that the density range would be 30-50 units

per hectare and the preferred housing type for this area. The proposed density at just under 43 units per hectare would fall within this range.

- 5.9 The London Plan indicates at Policy 3.5 (Table 3.3) that 2-storey houses should have a minimum floorspace of 83 sq.m for a 2-bed 4 person unit and a 4-bedroom 6 person unit should have a minimum floorspace of 107 sq.m. The submitted drawings show 2, 3-bedroom houses with 4 bed spaces each with internal floor areas of 66 sq.m and a four bedroom unit with at least 6 bed spaces with a floor area of 112 sq.m. The proposed 4-bed detached house would meet the Mayor's minimum space requirement for this size of property. However, the 2, 3-bed houses at 66 sq.m each would fall below the 83 sq.m minimum indicated for 2 bedroom houses. Members will need to place their own judgement on this issue, as this is a time extension application and the size of these dwellinghouses were previously considered to be acceptable. Staff consider that the size of the dwellings proposed would not be so unacceptable as to refuse planning permission on this ground alone.
- 5.10 In respect of amenity space provision, the SPG for Residential Amenity Space (which was used in respect of the original application) is no longer relevant and has been replaced by the SPD on Residential Design. The SPD indicates that amenity space should be large enough for the needs of the proposed occupiers for daily use, in this instance, families. In this case the amenity space provided for the detached house would be 199 sq m and 91 sq m each for the semi-detached dwellings. The SPD also specifies that the space should be private, screened from public view and convenient. In this case the most usable parts of the amenity space would be to the side of the proposed dwellings. It is considered that the amenity space provided would be suitable, receive good levels of sunlight and could be screened from the street without detriment to the future occupiers or the street scene. It is therefore considered, as previously, that the proposal provides a satisfactory level and quality of amenity space.
- 5.11 In conclusion, Staff consider that the proposal would be of a satisfactory density and layout.

Design/Impact on Street/Garden Scene

- 5.12 The development would result in two-storey residential development where there are currently no buildings, it would therefore be particularly visible in the street scene of Craven Gardens and, to a lesser degree in Lodge Lane. The new properties would also be clearly visible from the adjoining Green Belt land.
- 5.13 The proposals are for two-storey semi-detached properties and the detached house is single-storey with roof dormers to its front elevation which would generally be in character with the existing residential properties of mainly two-storey detached and semi-detached properties with some single-storey properties.

- 5.14 The proposed detached property has been set back from Lodge Lane to accommodate the former playground access and would not sit forward of the building line to this side of Lodge Lane. As such, it is considered that it would not be visible in longer views from the south and would have the same relationship with properties on the opposite side of Lodge Lane as exists to the south, albeit that it would front onto Craven Gardens rather than onto Lodge Lane. It is therefore considered that the view of the open/green area at this end of Lodge Lane would be retained.
- 5.15 The proposed buildings would not be sited any further north or west of existing properties to the east and south of the site and it is considered that the development would fit in with the existing urban form in accordance with SPD on Residential Design.
- 5.16 The properties would be set back from the highway by between 2m (semi-detached pair) and 3m (detached house). This would be significantly closer to the highway than properties opposite at over 6m back, nonetheless, it is considered that the existing 6m set back is deeper than usual for modern property development. While the proposed set backs would be significantly less, Staff consider that the proposal would not have any overbearing/ over-dominating impact in the street scene due to the provision of a set back and, in part, to the spacings between the buildings/side boundaries which are a minimum of 8.5m.
- 5.17 In conclusion, Staff consider that the proposed time extension would be acceptable as the proposed scheme would be of a satisfactory scale and design respecting the local character of the area.

Impact on Residential Amenity

- 5.18 It is recognised that the proposed development would bring additional activity to the small cul-de-sac of Craven Gardens, including vehicular traffic. Nonetheless, as previously, it is considered that as the properties would be located on the opposite side of Craven Gardens/Lodge Lane to the north/west of existing development, that there would be no undue harm to residential amenity.

Highway/Parking/Servicing

- 5.19 Policy DC2 indicates that parking would be needed within the range of 1.5-2 parking spaces per property. The proposal provides 2 parking spaces for each property which is acceptable.
- 5.20 There are no highways issues raised by the proposal, providing suitable visibility splays are provided for each vehicular access. This can be provided by a suitable condition attached to any grant of planning permission.
- 5.21 Suitable refuse storage would be capable of being provided within the curtilages of each of the proposed dwellinghouses and a suitable condition

will be attached to any grant of planning permission requiring details of refuse and recycling storage.

- 5.22 In line with Annex 6, cycle parking provision would need to be provided on site. Suitable provision can be made for cycle storage and further details can be submitted through a condition if planning permission is granted.

Planning Obligations

- 5.23 It is considered that as the proposal 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 £18,000.

Mayoral CIL

- 5.24 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 262.78m² and amounts to which equates to a Mayoral CIL payment of £5,5255.60.

Other Issues

- 5.25 The Secured by Design Officer indicates that crime prevention measures have been considered in the design of the proposed development in recognition and asks if conditions and an informative can be attached, as previously.

6. Conclusions

- 6.1 The proposal is for a time extension to the period to implement a previously approved scheme for 3 houses within the existing area. As a matter of judgement previously Members considered the small loss of public open space to be acceptable. The proposed development would result in two dwellings which do not meet the Mayor's more recent minimum sizes and Members will need to place their own judgement on this issue, nonetheless Staff consider that this would not be sufficient to refuse planning permission on this ground alone for this application for a time extension to an originally permitted development. Staff consider that there have been no other significant or substantial changes in legislation or policy which would result in an alternative conclusion in respect of the scheme as resubmitted, nonetheless the Mayoral CIL and a legal agreement would be needed to cover infrastructure costs.
- 6.2 The scheme itself is therefore considered to be acceptable in principle. In addition, Staff consider that it would have would have an acceptable impact in the street scene, there would be no undue impact on residential amenity and highways and parking details would also being acceptable such that the proposal to extend the time to implement the original scheme, should be granted.

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 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.

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REGULATORY SERVICES COMMITTEE

13 September 2012

REPORT

Subject Heading:

P0859.12 – 3 Heath Close, Gidea Park, Romford

Report Author and contact details:

Conversion of detached garage into a new dwelling (17th July 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 annex accommodation for family members. A Legal Agreement under section 106 of the Town and Country Planning Act 1990 is required to place an occupation restriction on the annex 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 it is therefore recommended that planning permission is granted subject to the completion of a Legal Agreement and conditions.

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 3 Heath Close, Gidea Park, Romford;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 3 Heath Close, Gidea Park, Romford;
- The owners / developers as appropriate 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;
- 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.

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

Reason:-

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

3. 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.

4. 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.

5. 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 the Residential Extensions and Alterations Supplementary Planning Document and Policies CP17, CP18, DC4, DC33, DC55, DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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 lies to the south side of Heath Close, a private cul-de-sac located east of Heath Drive. The site is set within the Gidea Park Conservation Area. Heath Close is typified by semi-detached dwellings; it is narrow in nature, with no pavements and a single track highway; dwellings enclose the street with fences and planting.
- 1.2 The application site comprises a two storey red brick Victorian semi-detached dwelling with open garden set to the side (east) and rear (south). In the south eastern corner of the site is a hardstanding with parking for two vehicles. Behind the hardstanding is a single storey detached double garage. The garage is brick built, with a tiled hipped roof. The garage has a timber garage door to the front, three windows on the west elevation and a pedestrian door on the rear elevation. There are no windows to the east elevation.
- 1.3 The garage is positioned 1m from the eastern boundary. Positioned on the boundary is a garage belonging to No. 2 Heath Close, of similar height, width and design, but shorter in length

2. Description of Proposal

- 2.1 The application is to convert the double garage into a self-contained, one bedroom dwelling to act as an annex to the main house, for the use of the applicant's mother. The house would comprise one bedroom, a bathroom and an open plan kitchen/living room area. The floor area would be around 68 square metres.
- 2.2 No external alterations would be made to the garage to facilitate the conversion; the garage door would remain. The annex would share the parking and amenity space belonging to the main house.

3. Relevant History

- 3.1 P0871.11 – Detached one bedroom bungalow to east of existing dwelling in garden area – Refused
- 3.2 P1405.11 – Detached double length garage – Approved

4. Consultations/Representations

- 4.1 The application has been advertised in a local newspaper and by way of a site notice. Twelve neighbouring properties were also directly notified of this proposal. Six letters of representation were received. The concerns raised were as follows:
- The proposal would lead to increased traffic
 - The proposal would result in overcrowding
 - The proposal would set a dangerous precedent
 - The proposal is no different from the application for a bungalow, which was rejected
 - The proposal would lead to parking problems, the Close is at capacity and no parking is allocated to occupants or visitors to the annex.
 - The proposal would lead to an increase in noise and disturbance to neighbouring occupiers.
 - The construction of the garage, only 6 months ago was a ploy to ensure that the applicants be permitted additional accommodation
 - The location plan is inaccurate, the garage is longer than shown on the plan
 - The proposal would change the character of Nos. 1-4 Heath Close
 - The proposal includes no garden area for the annex
 - The windows of the annex and the main house at No. 3 would interlook
 - The drainage could not cope with another dwelling
 - The water pressure is insufficient for another dwelling
 - The additional electricity required would overload the system
 - The telephone system would not cope with an additional dwelling
 - The broadband network is too slow and another user in the area would slow it down further
 - If the conversion is permitted, the annex may be extended at a later date
 - Construction vehicles may damage neighbouring properties when squeezing up and down Heath Close
- 4.2 The Gidea Park Civic Society considers that the proposal would result in a cramped overdevelopment of the site. The Society considers that the annex should be provided with amenity space and parking, which would result in the inappropriate subdivision of the plot. The Society considers that the annex would not be used as such in the future and the plot would be subdivided, to the detriment of the Gidea Park Conservation Area.
- 4.3 The Council's Highway Authority has no objections to the proposal. They recommend that the annex should not be let or sold as a separate unit and should be tied as a single unit to the main dwelling.
- 4.3 The Council's Environmental Health Department has no comments or objections to the application.
- 4.4 The Council's Heritage Officer considers the change of use of the garage to annex accommodation to be inappropriate and could set a harmful precedent. The Heritage Officers considers that the form of development

would be detrimental to the character of the Gidea Park Conservation Area. The Heritage Officer recommends that the application be refused, or, if members are minded to approve the application, that measures be put in place to prevent the following:

- The annex being sub-let
- The annex having its own postal address
- The subdivision of the existing garden
- The area of hardstanding within the curtilage of the property being increased

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP17, CP18, DC4, DC33, DC55, DC61 and DC68.
- 5.2 Residential Extensions and Alterations Supplementary Planning Document
- 5.3 London Plan 2011 Policy 3.4 and 7.8.
- 5.4 National Planning Policy Framework

6. Staff Comments

- 6.1 Staff note that the last seven concerns raised by neighbouring residents are not valid planning matters, and cannot be given weight when considering whether or not to grant planning permission for the development.
- 6.2 In particular, the Council can only consider the application in front of them, and cannot speculate on possible future applications for further development, nor let this speculation influence their judgement on the current application.
- 6.3 Staff note that the previous application, reference no. P0871.11 was for the sub-division of the plot and the creation of a one bedroom bungalow. This proposal was refused for the following reasons:
- 1) The proposed development would, by reason of its height, width, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 - 2) The proposals would, by reason of proximity to No. 3 Heath Drive within an restricted plot have an unsatisfactory relationship with No. 3 Heath Drive, which would result in an overbearing impact and subsequent loss of residential amenity for any potential future

occupiers, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- 3) The proposed development would, by reason of its design, appearance and landscaping, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC68 of the LDF Core Strategy and Development Control Policies DPD.
 - 4) The proposed development would, by reason of the proximity to No. 3 Heath Close, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 - 5) The proposed development would, by reason of the location of the rear parking spaces in the gardens result in the inadequate provision of amenity space, which results in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 6.4 This previous application differs from the current proposal in a number of ways, the most fundamental being that the previous proposal was for a separate dwelling, while the current proposal is for an annex, to be used in conjunction with the main dwelling and sharing amenity space and parking. As a result, there would be no parking spaces in the rear garden, and no loss of amenity space or landscaping to No. 3.
- 6.5 The size of the existing garage to be converted is also substantially narrower and lower in height than the proposed bungalow. The garage measures 3.6m wide by 11m deep by 4m high to the ridge. The proposed bungalow would have measured 7.5m wide by 11m deep by 6.4m high to the ridge.
- 6.6 The issues to be considered in this case are the principle of converting the garage, the impact on the Gidea Park Conservation Area, amenity issues and highway implications.

7. Principle of Development

- 7.1 The principle of converting outbuildings into annex accommodation for the use of family members is not prohibited by planning policy. The Residential Extensions and Alterations SPD permits the conversion of outbuildings to annexes for dependent relatives, providing it forms part of the same planning unit, sharing facilities including access, parking and amenity space. The policy states that conditions will be attached to prevent the annex becoming a self-contained dwelling. In this case parking and amenity space would be shared, however access would be available separately as the

garage fronts onto Heath Close. It is for this reason staff suggest that a Section 106 agreement is required to ensure the annex is only occupied by family members and is not alienated from the main dwelling, instead of a planning condition.

- 7.2 The SPD goes on to state that the annex should have clear connections to the main dwelling and the size and scale of the annex should be proportionate to the main dwelling. Staff note that the degree of interlocking between the main dwelling and the windows within the proposed annex, which would not be considered acceptable for a separate dwelling, demonstrates a clear connection between the main dwelling and the proposed annex. The outbuilding is also considered to be proportionate in size and scale to the existing dwelling.
- 7.2 Staff therefore consider that in principle the proposed annex is acceptable, so outstanding considerations are the impact of the proposal on the Conservation Area, impact on neighbouring amenity and highways and parking issues.

8. Impact on Conservation Area

- 8.1 DC68 states that planning permission will only be granted for proposals that preserve or enhance the character or appearance of the conservation area. Staff note that the proposal does not involve any change in the appearance of the garage, which was considered to be acceptable when granted planning permission last year. The proposal therefore would not result in any alteration to the appearance of the conservation area. To ensure that no changes are possible in future, staff recommend the imposition of a condition removing all householder permitted development rights.
- 8.2 DC68, referring specifically to the Gidea Park Conservation Area, states that subdivision of plots will only be acceptable where the resultant plot sizes will be similar to those of surrounding properties. Staff consider that the subdivision of the plot would have a harmful and unacceptable impact on the appearance and character of the conservation area, however the proposal does not include the subdivision of the plot. The proposed Section 106 agreement preventing the alienation of the annex from the dwelling and a condition restricting permitted development rights for fences or boundary treatments would prevent any subdivision of the plot occurring in the future. The existing Article 4 Direction would prevent the creation of any additional hardstanding. Therefore, members are invited to consider whether an annex, 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 conservation area than the existing garage.

9. Impact on Amenity

- 9.1 Given the nature of the intended use it is not considered that an adverse impact to neighbours would be experienced. No new windows are proposed,

which would intrude upon the privacy of neighbouring properties. The location of the building is over 20 metres away from the nearest residential property at No. 4 and is shielded by the garage of No. 4. It is considered that noise from the proposed one bedroom annex is unlikely to be significantly higher than the existing ambient noise level in this residential area. 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.

- 9.2 As noted above, it is considered that the relationship between the proposed annex and the main dwelling in terms of interlooking between the two buildings would be unacceptable in terms of the amenity of the occupiers if the annex was an independent dwelling. However, as the annex would be ancillary to the main dwelling, this degree of interlooking is considered to be acceptable.

10. Highway/Parking issues

- 10.1 The conversion of the garage would result in the loss of two car parking spaces. Two car parking spaces would remain, which would still meet Havering's parking requirements. The Highway Authority has no objection to the proposal. Therefore the proposal raises no highways or parking issues.

11. Conclusion

- 11.1 It is considered that the principle of the conversion of the existing garage to an annex to the main house would be acceptable, subject to conditions and a Section 106 Agreement, restricting the occupation of the annex to family members and ensuring that the annex is never let or sold separately from the main dwelling. As the proposal would not require external alterations, additional means of enclosure or additional hardstanding, it is considered that the proposal would preserve the appearance of the conservation area.
- 11.2 Staff consider 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 as described above.

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 17th July 2012

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REGULATORY SERVICES COMMITTEE

13 September 2012

REPORT

Subject Heading:

**P0601.12 – 57 Nelmes Crescent,
Hornchurch**

**Conversion of detached garage into an
annex**

(Application received 9th May 2012)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
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.

The applicant has agreed to execute a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 which will 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 it is therefore recommended that planning permission is granted subject to the execution of a Unilateral Undertaking and conditions.

RECOMMENDATIONS

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

- The owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking and any applicable planning obligation monitoring fee.

That Staff be authorised that upon completion of the Unilateral Undertaking, planning permission be granted subject to the following conditions:

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. 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.

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 The application property consists of a detached bungalow which is situated on the corner of Nelmes Crescent and Great Nelmes Chase. The surrounding area is characterised by a mixture of two-storey detached dwellings and detached bungalows. On-site parking is available in a double garage to the side and on the hardstanding to the front of the property. The ground is relatively level.

2. Description of Proposal

- 2.1 The application is to convert the double garage into a one bedroom annexe, for the use of an elderly family member. The annex would comprise of a bedroom, bathroom, living room, kitchen and utility room. The floor area would be around 38.4 square metres.
- 2.2 To facilitate the conversion the garage doors would be removed and a front door and two new casement windows would be inserted into the front elevation. A new link would be inserted between the kitchen of the main dwelling and the utility room of the annex, linking the annex to the main house.
- 2.3 The annexe would share the parking and amenity space belonging to the main house.

3. Relevant History

- 3.1 D0123.11 – Certificate of lawfulness to convert existing garage to a granny annexe – Planning Permission Required

4. Consultations/Representations

- 4.1 Notification letters were sent to 13 neighbouring properties and no letters of objection were received.
- 4.2 The Council's Highways Authority has no objection.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP17, DC4, DC33, DC55 and DC61.

- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential.
- 5.3 NPPF Section 6 “Delivering a wide Choice of Homes” and Section 7 “Requiring Good Design”.

6. Staff Comments

- 6.1 Staff originally raised concerns regarding the lack of connectivity of the annex to the main dwelling and the perception that it could be utilised as a separate unit in its own right. The applicant has agreed to provide connectivity between the proposed annex and the main dwelling and also agreed to enter into a Unilateral Undertaking which prevents the annex to be used as a separate unit of accommodation. Based on these measures Staff consider the proposal to convert the garage to an annex acceptable in principle.

7. Design/Impact on Street/Garden Scene

- 7.1 Policy DC61 of the Development Plan Document seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments/alterations should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 7.2 The conversion of the garage would involve the removal of the existing garage doors and building in new casement windows, block work and rendered panels. The proposal would also include a 'new link' lobby which will provide a linkage from the kitchen of the existing dwelling to the utility room of the proposed annex. The proposals would result in minor changes to the front elevation and would therefore not have a harmful impact on the streetscene.

8. Impact on Amenity

- 8.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 8.2 The proposal would not involve any additions other than the linkage between the existing dwelling and the annex. The garage would be converted to an annex, Staff therefore do not consider the proposal to have a harmful impact to neighbouring occupiers in terms of loss of light or overlooking. No flank windows are proposed.

8.3 The existing garage abuts a neighbouring garage. Any additional activity and noise as a result of the conversion to living accommodation would therefore not have an impact on neighbouring amenity.

9. Highway/Parking issues

9.1 A hardstanding to the front of the property allows for the on-site parking of at least 2 vehicles. The loss of the garage spaces would therefore not result in a shortfall of parking spaces. It is considered unlikely that any significant additional demand for car parking would arise over and above that which presently exists on the site. It is thus considered that sufficient parking space is provided and that the proposed arrangement would not lead to an additional impact to Nelmes Crescent.

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 the proposal to be of such a design and layout that it is considered acceptable in the surrounding area. 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 Unilateral Undertaking 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 in the consideration of the Unilateral Undertaking.

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 9th May 2012