



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
4 October 2012

Havering Town Hall,
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative Group
(7)

Residents' Group
(2)

Labour Group
(1)

**Independent
Residents'
Group**
(1)

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

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 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 - 16)

To approve as a correct record the minutes of the meetings of the Committee held on 2 and 23 August 2012 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 26)

- 6 **P0926.12 LAND ADJACENT TO 39 NAVARRE GARDENS, ROMFORD** (Pages 27 - 42)
- 7 **P0928.12 LAND TO THE REAR OF 23-31 VICTORY WAY, ROMFORD** (Pages 43 - 60)
- 8 **P0930.12 LAND ADJACENT TO 9 ORCHIS WAY, ROMFORD** (Pages 61 - 76)
- 9 **P0670.12 1 FRANKS COTTAGES, ST MARY'S LANE, UPMINSTER** (Pages 77 - 84)
- 10 **P0950.12 LAND TO THE REAR OF 30 DAVENTRY ROAD, ROMFORD** (Pages 85 - 100)
- 11 **P0913.12 HAVERING COLLEGE, ARDLEIGH GREEN CAMPUS** (Pages 101 - 134)
- 12 **P1927.11 FORMER OLDCHURCH HOSPITAL** (Pages 135 - 144)
- 13 **YELVERTON CLOSE APPLICATION FOR STOPPING UP ORDER** (Pages 145 - 150)
- 14 **SMART CLOSE APPLICATION FOR STOPPING UP ORDER** (Pages 151 - 156)
- 15 **MYRTLE ROAD APPLICATION FOR STOPPING UP ORDER** (Pages 157 - 162)
- 16 **PETTLEY GARDENS APPLICATION FOR STOPPING UP ORDER** (Pages 163 - 168)
- 17 **DIVERSION OF FOOTPATH NO. 252 AT RM14 3QH OVER LAND SITUATED AT NORTH OCKENDEN BETWEEN DENNIS ROAD AND THE STILE TO THE SOUTH OF THE RAILWAY CROSSING IN UPMINSTER WARD (AND OCKENDON WARD THURROCK COUNCIL AREA)** (Pages 169 - 176)
- 18 **P1413.11/P1414.11 178 CROW LANE** (Pages 177 - 184)
- 19 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

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

Public Document Pack Agenda Item 4

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

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, +Steven Kelly, +Pam Light and +Billy Taylor

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 Billy Taylor (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.

It was noted that 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.

It was also noted that 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, HORNCHURCH**

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, noting that a Mayoral CIL contribution of £16,160 was liable for the proposed development. The Committee **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, noting that a Mayoral CIL contribution of £13,440 was liable for the proposed development. The Committee **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, noting that a Mayoral contribution of £1,480 was liable for the proposed development. The Committee **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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Public Document Pack

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

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair), Barry Tebbutt (Vice-Chair),
Jeffrey Brace and Frederick Osborne

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group**

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), Wendy Brice-Thompson (for Robby Misir) and Pam Light (for Garry Pain).

Councillor John Mylod was also present for part of the meeting.

There were no disclosures of pecuniary interest.

10 members of the public 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.

51 **MINUTES**

The minutes of the meeting of the Committee held on 21 June 2012 were agreed as a correct record and signed by the Chairman.

52 **P0735.12 - HAVERING SIXTH FORM COLLEGE, WINGLETYE LANE,
HORNCHURCH**

The report before members detailed a proposal for the reinstatement of the Multi Use Games Area (MUGA) as the development of the college had been out on hold. The MUGA would be marked out for tennis, 7-a-side football and hockey. The MUGA would be surrounded by a fence measuring 3m on three sides and a 3.6m high fence facing the access to The Walk.

The proposed MUGA would be open for bookings from the public. The application requested that the hours of use be from 8am to 10pm on Mondays to Fridays, 9am to 9pm on Saturdays, Sundays and Bank Holidays. The application did not propose the installation of floodlighting.

20 letters of representation had been received along with comments from 4 statutory and non-statutory consultees.

It was noted that the application had been called-in for consideration by the Committee by Councillor John Mylod on the grounds that the proposal would have an adverse effect on the neighbours bordering the school in respect of possible light pollution, noise and disturbance.

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 John Mylod addressed the Committee. Councillor Mylod voiced concern that the proposed MUGA would have an adverse impact on the neighbouring residential amenity through increased noise and disturbance during unsociable hours. He added that the area suffered from existing parking congestion, the installation of the MUGA would merely exacerbate the situation. The issue of security was of particular concern for residents who had experienced groups of youths accessing the site outside of its operating hours when it was previously used a games area. He urged the Committee to refuse the application.

During the discussion, members debated the potential noise impact of the proposed MUGA on the nearby residential properties with suggestions put forward that a reduction in the hours of operation would alleviate the impact. Members were mindful that the college had previously been granted planning permission for a MUGA and, in their opinion, the College should provide leisure facilities for its students.

A motion was proposed that planning permission be granted subject to the conditions in the report but with a variation to Condition 3 to require that the hours of use on Saturday's be changed to a 4pm finish. That motion was passed by 9 votes for with 1 abstention. Councillor McGeary abstained from voting. It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report but with a variation to Condition 3 to require that the hours of use on Saturday's be changed to a 4pm finish. The resolution to grant planning permission was passed by 9 votes for with 1 abstention. Councillor McGeary abstained from voting.

53 **P1390.12 - ROSARY, SOUTHEND ARTERIAL ROAD, HORNCHURCH**

The Committee considered the application for the demolition of the existing dwelling and the construction of a replacement dwelling in outline form with approval sought for access and layout only. It noted that 6 letters of representation had been received along with comments from 5 statutory and non-statutory consultees, including a late response from Transport for London who raised no objections to the proposal.

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:

- Prior to the commencement of the development, the existing dwelling shall be demolished in its entirety and all material arising there from permanently removed from the site unless otherwise agreed. Prior to first occupation of the new dwelling, the site of the former dwelling shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 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.
- To pay the Council's planning obligation monitoring fees.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of those agreements, grant planning permission subject to the conditions as set out in the report but with an amendment to Condition 5 to reflect that the application was in outline form with landscaping reserved.

54 **A0035.12 - FORMER BROXHILL CENTRE, BROXHILL ROAD, ROMFORD**

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

55 **P0814.12 - FORMER BROXHILL CENTRE, BROXHILL ROAD, ROMFORD**

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

56 **STOPPING UP OF HIGHWAY LAND ADJACENT TO 19 SPRINGBANK AVENUE, HORNCHURCH**

The Committee considered the report and **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

1. The Council make a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan attached to the report as the land was required to enable development for which the Council had granted the Planning Permission.
2. In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
3. In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
4. In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

57 **STOPPING UP OF HIGHWAY BEING THE PEDESTRIAN FOOTBRIDGE SPANNING NOAK HILL ROAD BETWEEN THE FORMER WHITWORTH CENTRE AND THE BROXHILL CENTRE, ROMFORD**

The Committee considered the report and **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 and an alternative pedestrian crossing being built on Noak Hill Road to the Council's specification, to an adoptable standard and open for public access prior to any stopping up order becoming effective to carry out the development pursuant to the Planning Permission that:-

- 1 The Council make a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the Footbridge shown zebra hatched on the Plan attached to the report as the demolition of the Footbridge was required to enable development for which the Council has granted the Planning Permission.

- 2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- 3 In the event that relevant objections were made, other than by a statutory undertaker or transport undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 4 In the event that relevant objections were raised by a statutory undertaker or transport undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

Chairman

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Regulatory Services Committee

4 October 2012

Page No.	Application No.	Ward	Address
1-5	P0705.12	Upminster	57 Brookdale Avenue Upminster
6-8	P0822.12	Pettits	12 Cedric Avenue Romford

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REGULATORY SERVICES COMMITTEE

4th October 2012

APPLICATION NO:	P0705.12	
WARD :	Upminster	Date Received: 29th June 2012 Expiry Date: 24th August 2012
ADDRESS:	57 Brookdale Avenue Upminster	
PROPOSAL:	Change of use of land to residential use and retention of garage and hardstanding	
DRAWING NO(S):	2473 PD01D; -PD02	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

CALL-IN

The application has been called in by Councillor Ron Ower due to the level of public interest.

SITE DESCRIPTION

The application site comprises the existing chalet bungalow, its existing curtilage and part of the triangle-shaped area where a garage and hardstanding is located to the rear of residential properties from 57-73 Brookdale Road and 65-75 Bridge Avenue. The site has an area of 0.071 hectares.

It should be noted that the applicants own the whole of the triangle-shaped area of land.

DESCRIPTION OF PROPOSAL

The proposal involves the retention of an extension to the residential curtilage and the retention of a garage for storage purposes with a small area of hardstanding to provide a driveway access from the existing hardstanding driveway located along the northern boundary within the existing residential curtilage to No. 57 Brookdale Avenue.

The curtilage extension is located at the north-eastern corner of the triangle area and is 55 sq.m in size. The garage itself is 6m long by 3m wide with a shallow pitched roof with a ridge height of 2.06m above ground level.

RELEVANT HISTORY

P0051.12 - Extension to residential curtilage and retention of domestic garage
Withdrawn 05-04-2012

P1825.11 - Retention of garage to the rear of the property
Withdrawn - Invalid 18-01-2012

D0118.11 - Certificate of lawfulness for rear dormer and single storey rear conservatory.
PP not required 21-12-2011

P0524.11 - First floor extension and construction of a new conservatory to the rear.
Withdrawn 12-08-2011

REGULATORY SERVICES COMMITTEE

4th October 2012

- P1786.10 - First floor and single storey rear extension
Refuse 04-02-2011
- P0675.10 - Demolition of garage at 57 Brookdale Avenue to provide access to land at the rear of the property and construction of a 3 bedroom and 2 bedroom house.
Refuse 06-07-2010
- P0025.10 - Demolition of garage to provide access driveway and construction of 2 houses 1 x 3 bedroom and 1 x 4 bedroom
Withdrawn 05-03-2010

CONSULTATIONS/REPRESENTATIONS

14 Neighbouring properties were notified of the proposal. 16 letters have been received objecting to the proposal on the following grounds:

- the applicants have created a hardstanding in the rear garden of No.61 Brookdale Avenue which they also own and therefore the planning application does not include all the works which have taken place
- the applicants garden looks like a rubbish dump
- noise and anti-social behaviour caused by vehicles using/speeding along the shingle hardstanding/driveway
- vehicles parked on hardstanding within the applicants existing curtilage cause intrusion
- a side window to an adjoining property cannot be opened due to noise and fumes from upto 2 passing/parked vehicles
- alternative parking provision could have been made to the front garden of No.57 Brookdale Avenue
- the applicants don't use the new garage/store to park a vehicle
- the proposed development involving a change of the use to residential land would enable development of the triangle for new housing development which was previously refused planning permission
- the applicants have made numerous applications for planning permission at their property
- due to the distance the garage is located from the highway vehicles pick up speed along the driveway which could cause an accident when the vehicles enter the highway
- the triangle was previously not owned by anyone and was overgrown and used by wildlife. The applicants have reduced it to a pile of rubble.
- there is no need for the applicants to site a garage on the triangle as their existing garden is large enough
- the provision of a vehicle access to this rear area of land is an attempt to circumvent the refusal reason relating to vehicle noise and disturbance of a previously refused scheme for two houses on this area of land. If the access already exists then it could not form a refusal reason in future
- it would be preferable if the original garage to the side of the house was re-erected
- insufficient public consultation
- The existing garden has been fenced off such that the driveway, garage and hardstanding are all outside of the defined garden area
- out of keeping in a quiet residential area
- the garage would cause loss of light to a back garden
- the proposal would cause loss of privacy
- loss of property value
- there is a boundary dispute
- there are no other driveways to the side/rear of properties in the locality and this would therefore be out of character with existing development
- the triangle has been cleared of trees etc. and is clearly being prepared for other future

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development

- neighbours overlooking the triangle used to enjoy the fact that there were trees etc. in the triangle area and the view has now been spoiled
- the building of a garage is just the start of more development
- a new residential property would not be acceptable
- the applicants garden could be declared a brownfield site enabling development

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

Thames Water have written to remind the applicant that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable swere.

Staff Comments:

- The applicant(s) are entitled to include only works/changes of use which they want to submit for planning permission in their planning application. If other works require planning permission then they can seek appropriate permission separately, however the provision of a hardstanding area in a rear garden (including one used for vehicle access or parking) falls within permitted development allowances for each residential property. The current proposal does not include the hardstanding within the current curtilages nor any vehicular access to the rear of No. 61 such that these cannot be considered as part of this planning application.
- The provision of upto 2m high fencing within a residential curtilage does not require planning permission.
- None of the trees within the triangle were the subject of a Tree Preservation Order such that the owners/applicants are entitled to cut them down, as they are in relation to any other shrubs etc.
- Applicants are entitled to make as many fresh planning applications as they so wish; any future applications for example, for the building of dwellings on the triangle would be assessed on their own planning merits.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- DC32 - The Road Network
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.4 - Optimising housing potential
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 6.13 - Parking
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

None

STAFF COMMENTS

The main issues arising from the proposed development are the principle of the development, its design and impact in the rear garden environment, its impact on residential amenity, parking and highways.

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PRINCIPLE OF DEVELOPMENT

It would appear that the land was in the past in use, which may or may not have included residential. From representations previously received it would appear that the land was originally "left over" after frontage development took place such that it was not included within the titles of properties either within Brookdale Avenue or Bridge Avenue behind which the site lies.

Policy CP1 indicates that all non-designated land, including the triangle area of the application site should be designated for housing. As such Staff consider that the proposal to provide a 55 sq.m extension into this area to provide an additional area of residential curtilage would be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is for the extension of an existing residential curtilage onto land to the rear within the applicant's ownership and the retention of a garage and hardstanding connecting an existing driveway (within the existing residential curtilage) to the garage.

Given that the surrounding uses are mainly residential, the extension of the residential curtilage onto land to the rear of one of the existing frontage properties would be acceptable. The garage is single-storey. Staff consider that the provision of a small area of hardstanding and a garage, located a minimum of 33m from rear elevation of No.51 Brookdale Avenue and 45m from rear elevation of the nearest property in Bridge Avenue, would not result in any harmful impact in the rear garden environment.

IMPACT ON AMENITY

The proposed garden extension of 55 sq.m itself would, in Staff's view, have no adverse impact on residential amenity.

The proposed garage would enable the applicant to either park a car or store garden equipment or other domestic items. There is a current access drive to the western boundary of the application site which was constructed under permitted development allowances. The proposal would introduce a level of noise and disturbance to this rear area, nonetheless Staff consider that the noise associated with the domestic use of the hardstanding/garage by the occupiers of No.57 Brookdale Avenue would not be so harmful as to refuse planning permission on the basis that there would be a significant impact on residential amenity.

The garage would be single storey and similar in scale to other garages and outbuildings located in rear gardens. Given its location at least 33m from the nearest dwelling, Staff do not consider that it would result in any physical harm to existing residential amenity.

HIGHWAY/PARKING

There are no highway issues arising from the proposal as there is an existing vehicular access onto Brookdale Avenue.

KEY ISSUES/CONCLUSIONS

The proposed development would be acceptable in principle, and in Staff's view, would not result in any identifiable harm to either the rear garden environment or the amenities of neighbouring occupiers such that it would accord with Policies CP1 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

RECOMMENDATION

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

INFORMATIVES

REGULATORY SERVICES COMMITTEE

4th October 2012

APPLICATION NO:	P0822.12	
WARD :	Pettits	Date Received: 2nd July 2012 Expiry Date: 27th August 2012
ADDRESS:	12 Cedric Avenue Romford	
PROPOSAL:	Single storey rear extension Revised plans received 03-09-2012	
DRAWING NO(S):	OS map Block plan Existing and proposed floor plans and front and rear elevations (revised) Existing and proposed side elevation (revised)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

CALL-IN

The application has been called into Committee by Councillor Armstrong for reasons of its overbearing nature and impact on light.

SITE DESCRIPTION

The application relates to a two storey, semi-detached dwelling, with a garage and two off-street parking spaces. Land levels within the site rises slightly towards the front of the property and slope down slightly at the rear.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey rear extension, which will be 8.5m wide by 4m deep. It will be provided with a hipped roof 3.85m high (2.8m high to eaves). It will be set in from the boundary with the attached neighbour by 300mm.

RELEVANT HISTORY

None.

CONSULTATIONS/REPRESENTATIONS

Consultation letters were sent to 7 local residents. One objection has been received from the occupiers of No.14 Cedric Avenue commenting that no objections would be raised to a single storey rear extension being built in principle, provided that it is not built more than 3 metres from the rear of the property and that any building does not adversely affect the writers' property.

The response goes on to say that a large leylandi tree has been removed from the garden of the subject dwelling in advance of planning permission being granted. The writers point out that the application form was incorrectly completed in regard to Item 7 which declared that no trees exist which are within falling distance of the proposed development. They raise concerns regarding the impact of the loss of the tree on their property and foundations. They also advise that a small apple tree is located less than 1 metre from the rear of the extension but do not consider that its removal is likely to cause heave to their property.

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Objection is also raised to the lack of reference to relevant design related planning policies, depth of the extension, loss of sunlight/daylight to their property, in particular the kitchen/diner. The writers' assumed the extension would have a flat roof to match theirs and raise concern that a 30cm gap between the two extensions will allow rain, damp and debris to build up against both flank walls and potential rain damage to their flat roof. Further comments are that there will be a detrimental impact on their property, resulting in loss of property value. Guidance advises that a defining characteristic of semi-detached housing is derived from the uniformity and symmetry of the attached dwellings. The proposed plans will not ensure that the semi-detached properties will be uniform or retain symmetry, are too contemporary and will not visually complement the existing property.

Comments have also been made with regard to drains, the Party Wall Act, damp proofing and ventilation but these will be a matter for Building Control to monitor. Additionally, loss of property value is not a valid planning consideration.

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

The development is not CIL liable as it has a gross internal area of less than 100 square metres.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed extension is to the rear of the building and no impact will result upon the front streetscene, therefore no issues arise in this respect.

When viewed in the rear garden environment, the extension will relate acceptably to the existing property in terms of scale and design and there are no material grounds for refusal on design grounds.

IMPACT ON AMENITY

The proposed extension has a depth of 4 metres, which complies with guidelines for householder extensions to semi-detached houses. The development will have no material impact on the amenity of the non-attached neighbour, No.10, which is separated from the proposed development and presently projects further into the rear garden environment than the subject dwelling.

With regards the attached neighbour, No.14, this property is set to the south-west of the application site and has already extended to the rear with a 3m deep, single storey, flat roofed extension. In the interests of neighbourliness, the applicant has been requested to hip the roof of the proposed extension, away from the shared boundary with No.14, which has been done.

Staff consider impact on this neighbour will not be unacceptable as they have an existing 3m deep extension. The proposed extension would project only 1m beyond this and is in accordance with the Council's Guidance. Given also that the neighbouring property lies to the south-west of the application site, no material loss of light sufficient to justify refusal would occur.

The extension has an acceptable eaves height of 2.8m and has been re-designed to hip away from the boundary with the neighbouring properties, therefore complying with Guidance. This is considered to result in an acceptable relationship with the neighbouring property that is within policy guidelines. There is no requirement within planning guidance for a rear extension to have

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a flat roof to match a neighbouring extension.

Other issues raised in representations, including the loss of non-protected trees within the rear garden, impact of the proposed foundations and future maintenance implications, are not material planning considerations in this case.

HIGHWAY/PARKING

No bedrooms are proposed as part of the application and existing parking arrangements will not alter. Therefore no material highway issues arise.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be in accordance with the aims and objectives of Policy DC61 of the LDF and to accord with the Residential Extensions and Alterations SPD. There are no material grounds on which to refuse this application and approval of planning permission is therefore recommended.

DATE PASSED TO DC MANAGER: 20th September 2012

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)

INFORMATIVES

1 Reason for Approval

Reason for Approval

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

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

**REGULATORY
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COMMITTEE**

REPORT

4 October 2012

Subject Heading:

**P0926.12 – Garage court to the side of
39 Navarre Gardens, Romford**

**The demolition of 10 garages and
erection of 2 no. 3 bed houses.**

(Application received 26th July 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]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of 10 garages and the erection of 2 x No. 3 bed dwellings with associated parking. The planning issues are set out in the report below and

cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the 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 175.6m² and amounts to £3512.

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

- A financial contribution of £12,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

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

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

Reason:

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

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

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 x No. off-street car parking spaces for use by Plot 1 and Plot 2 and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

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

Reason:

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

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

Reason:

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

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or

other opening (other than those shown on the submitted and approved plans,) 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.

7) Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows at first floor serving bathrooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

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.

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) 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

14) Ground 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 II (Site Investigation) Report as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

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

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) no extensions, roof extensions, roof alterations or outbuildings 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.

16) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval 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.

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

Reason:

To prevent noise nuisance to adjoining properties.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (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 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. Planning Obligations

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

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

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

7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court which is located to the northeast of Navarre Road and to the northwest of No. 39 Navarre Gardens. The application site is surrounded by residential dwellings with the exception of additional garages to the northeast. Ground level on the site slopes down from northwest to southeast. The site has an overall area of approximately 503m².
- 1.2 Development in the vicinity is characterised by 2-storey residential dwellings. These surrounding properties are predominantly brick built terraced dwellings.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of 10 garages and the erection of 2 x No. 3 bed dwellings with associated parking and amenity.
- 2.2 The dwellings would form a semi-detached pair and would individually measure 5.5m in width and 9.5m in depth. It would have a pitched roof with gabled ends and would measure 5m to the eaves and 8.7m to the top of its ridge. The dwelling would be located towards the north-eastern part of the site and will be set 1.1m off this boundary.
- 2.3 On ground floor level the dwellings would have a wc, kitchen / dining room and a living room. On the first floor there would be 3 no. bedrooms, a bathroom and en-suite bathroom. Windows and doors would generally be arranged to the front (southwest) and rear (northeast). Flank windows would be situated in both flank walls serving a kitchen at ground floor and a bathroom and en-suite bathroom at first floor.
- 2.4 The proposal would retain the existing access to the site measuring approximately 3.85m in width. Access would also be retained to the remaining garages to the rear.
- 2.5 Towards the south-western side of the dwelling would be parking space for 4 cars, 2 no. to the northwest and 2 no. to the southeast side of the frontage.

2.6 The dwelling would have a northeast-southwest orientation with garden spaces towards the rear (northeast), measuring approximately 80m² individually.

3. Relevant History

3.1 No relevant history.

4. Consultations/Representations

4.1 Notification letters were sent to 24 neighbouring properties and no letters of objection were received.

4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.

4.3 The Highway Authority has no objection to the proposals.

4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 86sq.m for a 3-bed 5-person dwelling. The proposal has an internal floor space of 90sq.m which is in line with the recommended guidance and considered acceptable.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Amenity space would mainly be provided towards rear (northeast) of the dwellings. The amenity space in this instance would measure approximately 80sq metres for each dwelling. Boundary fencing would be required by means of a planning condition to those boundaries that do not have appropriate fencing.
- 6.3.3 Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 40 units per hectare. The density is in line with the recommended range and is considered acceptable.

6.3.5 In terms of the general site layout, the proposed semi-detached pair is spaced in such a way that it allows sufficient spacing towards the front and rear, and therefore is not considered to appear as an overdevelopment of the site. Sufficient spacing is also available to the sides between the proposal and surrounding buildings. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would be set back 9.8m from Navarre Gardens and is not considered prominent in the streetscene. The height increase compared to 39 Navarre Gardens is considered acceptable given the drop in ground level and similarity to No. 15 Bamford Way. Any harmful impact on the streetscene is considered acceptable

6.4.3 The surrounding area consists of predominantly brick built two storey terraced dwellings.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

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

- 6.5.2 The proposed dwelling is situated approximately 4.85m from the common boundary of the nearest dwelling at No. 39 Navarre Gardens resulting in a separation distance of approximately 6.5m between the proposed flank and this dwelling. Although the rear building line of the proposed dwellings would be set further back than that of this neighbour, the separation distance would mitigate any potential impact. Although there would be some loss of light to No. 39 Navarre Gardens as a result in the drop in ground levels, Staff consider this to be acceptable given the separation distance. A condition would be imposed on the flank windows proposed at first floor to have these bathroom windows obscure glazed and fixed shut.
- 6.5.3 To the northwest the proposal backs onto the rear gardens of properties along Bamford Way. To the northeast the subject site backs onto garages. It is considered that the separation distances between the proposed dwellings and these neighbouring properties are sufficient to prevent any harmful impact in terms of overlooking and overshadowing.
- 6.5.4 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed semi-detached pair of dwellings.
- 6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 2 x 3-bed dwellings would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.
- 6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 2 x No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. Also, Staff do not consider any impact in terms of light spill from headlights to the flank elevation of No. 39 Navarre Gardens as there are no flank windows in this elevation.
- 6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.
- 6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 4 x No. parking spaces to the front of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The site is currently vacant and there is therefore no need to displace garage tenants to another garage site.
- 6.6.3 A condition would be added to provide storage for 2 x no. cycle spaces in order to comply with the Council's standards.
- 6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.
- 6.7 The Mayor's Community Infrastructure Levy
- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as the garages have not been in use for the last 6 months. The applicable fee is based on a combined internal gross floor area for the two dwellings of 175.6m² which equates to a Mayoral CIL payment of £3512.
- 6.8. Planning Obligations
- 6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £12,000.
- 6.9 Other Issues
- 6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The dwelling is situated within an acceptable distance from the highway for refuse collection to take place. No indication is given of where the refuse bins would be stored, however staff would request this information to be provided by condition.

7. Conclusion

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is

considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 26th July 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 October 2012

Subject Heading:

**P0928.12 – Garage court to the rear of
23-31 Victory Way, Romford**

The erection of 5 no. 3 bed houses.

(Application received 26th July 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]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned garage court. The application proposes the erection of 2 No. two-storey semi-detached dwellings and 3 no. terraced dwellings with associated parking. The planning issues are set out in the

report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the 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 437.5m² and amounts to £8750.

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 £30,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

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

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

Reason:

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

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

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 x No. off-street car parking spaces for use by Plot 1, Plot 2, Plot 3, Plot 4 and Plot 5 as shown on the approved plan No. 8730-1000 Revision C and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

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

Reason:

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

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

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development

accords with the Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the submitted and approved 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.

7) Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows at first floor serving bathrooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

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.

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) 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

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

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

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

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

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

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

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

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

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order"), no extensions, roof extensions, roof alterations or outbuildings 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.

16) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval 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.

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

Reason:

To prevent noise nuisance to adjoining properties.

18) Archaeological Investigation: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this

condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason:-

Important archaeological remains may exist on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance in the NPPF, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

19) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings on Plot 1, Plot 2, Plot 3, Plot 4 and Plot 5. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

20) Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

21) Turning Area: Before the building (s) hereby permitted is first occupied the turning area shall be made available for use and thereafter kept free from obstruction.

Reason:

In the interest 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 CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10,

6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (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 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. Planning Obligations

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

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

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

Developer Services will be required. They can be contacted on 0845 850 2777.

7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
8. The development of this site is likely to damage archaeological remains. The applicant should, therefore, submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a former garage court located to the rear of 23-31 Victory Way. The site is currently covered in hard standing with all the previous garages demolished.
- 1.2 The site for residential development is approximately 1325.8 square metres in size. There are no significant changes in ground level. The site is surrounded on all side by the gardens of adjacent residential properties on Victory Way, Rodney Way and Valiant Close. None of these properties have access to the garage court. The site is currently enclosed with palisade fencing.
- 1.3 Development in the vicinity is characterised by 2-storey residential dwellings. These surrounding properties have a mixture of brick and rendered finishes.

2. Description of Proposal

- 2.1 The application proposes the erection of 2 No. two-storey semi-detached dwellings (plot 1 and 2) and 3 No. terraced dwellings (plot 3, 4 and 5) with associated parking and amenity.
- 2.2 The semi-detached pair is set to the northern portion of the site. The terraced dwellings are set to the south. Between these dwellings in the centre of the site are 8 parking spaces, set around a turning area, pedestrian paths and soft landscaping framing each dwelling. Two more parking spaces are located to the north of the site. Each dwelling will have 2 parking spaces.

- 2.3 The semi-detached two storey dwellings measure a total of 11m wide, 9.6m deep, 5m high to the eaves and 8.75m high to the top of the hipped roof. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom.
- 2.4 The terrace dwellings measure a total of 16.4m wide, 9.5m deep, 4.7m high to the eaves and 8.2m high to the ridge. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom.
- 2.5 Access to the dwellings is via the existing garage court access between 31-33 Victory Way which would be retained as a shared surface road (for pedestrians and vehicles).
- 2.6 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear and side, enclosed by a 1.8m timber fence. Plot 1 has an amenity space covering 101.2 square metres, plot 2 an amenity area of 93.2 square metres, plot 3 an amenity area of 87.4 square metres, plot 4 an amenity area of 67.1 square metres and plot 5 an amenity area of 72.6 square metres.

3. Relevant History

- 3.1 P0149.06 - To erect 3m galvanised palisade fence with gates - Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 21 neighbouring properties and no letters of objection were received.
- 4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals, however requested that the access road be made shared, crossover slightly extended and the bin collection point relocated to the dwelling end of the access road. The applicant has taken the comments on board and submitted revised plans.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.
- 4.5 English Heritage requested a condition securing the implementation of a programme of archaeological works as there may be significant archaeology remains on site.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 Principle of Development
 - 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
 - 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 86sq.m for a 3-bed 5-person dwelling. The proposed dwellings have internal floor space of 87.5sq.m which is in line with the recommended guidance and considered acceptable.
 - 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Each dwelling has a private area of amenity space provided to the side/ rear of the dwellings. Plot 1 has an amenity space covering 101.2 square metres, plot 2 an amenity area of 93.2 square metres, plot 3 an amenity area of 87.4 square metres, plot 4 an amenity area of 67.1 square metres and plot 5 an amenity area of 72.6 square metres. The amenity spaces are directly accessible from the living rooms of all dwellings, and are provided in single enclosed blocks. In all, they are considered to accord with the SPD for residential design.
- 6.3.3 Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 38 units per hectare. The density is in line with the recommended range it is considered acceptable.
- 6.3.5 There are no longer prescribed back to back distances between properties. However, plot 3, 4 and 5 would have a back to back distance of approximately 20m to the nearest residential property at No. 5 Valiant Close. To the east there would be a side to rear separation distance of approximately 14m to the rear of No. 25 Victory Way. The amenity space provided for Plot 2 would border No. 12 Rodney Way with a separation distance of 5.7m between dwellings. Plot 1 would have a separation distance of 13.4m between this dwelling and that of No.14 Rodney Way. The orientation of these dwellings are so that they face onto their respective rear gardens and onto the shared parking court. In all, the layout of the dwellings is considered acceptable and would acceptably integrate into the locality.

6.4 Impact on Local Character and Street Scene

- 6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of

design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The surrounding area has no prevailing architectural style, but there is an established pattern of development with defined building frontages and heights, two storeys with pitched roofs. The proposed dwellings would be set behind the frontage properties of Victory Way and would not be visible as part of this streetscene due to their set back location. The semi-detached pair would be visible from Rodney Way, however any potential impact is considered acceptable given the given the 20m setback and matching design features to that of properties along Rodney Way

6.4.3 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached and terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

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

6.5.2 The semi-detached pair of dwellings are situated approximately 3.2m from the common boundary of the nearest dwelling at No. 12 Rodney Way resulting in a separation distance of approximately 5.7m between the semi-detached pair and this dwelling. Although the rear building line of the proposed dwellings would be set further back than that of this neighbour, the separation distance and angle of the proposed semi-detached pair of dwellings would mitigate any potential impact. A condition would be imposed on the flank windows proposed at first floor to have these bathroom windows obscure glazed and fixed shut. Any potential overlooking from the ground floor flank window would be mitigated by a high timber fence. To the north, east and south a sufficient distance remain between the proposed semi-detached pair so as to not result in a harmful impact on the amenity of these properties. The only first floor flank windows would be that of bathrooms and would be conditioned to be obscure glazed.

6.5.3 The proposed terraced properties would have a back to back distance of approximately 20m to the nearest residential property at No. 5 Valiant Close.

To the east there would be a side to rear separation distance of approximately 14m to the rear of No. 25 Victory Way. Staff consider the separation distances to be sufficient not to cause detrimental harm to neighbouring amenity. No. 5 Valiant Close is also situated at an angle to the terraced properties and would limit any direct overlooking to the rear windows. The flank windows at first floor serving bathrooms would be conditioned to be obscure glazed to limit any potential for overlooking.

- 6.5.3 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed semi-detached and terraced dwellings.
- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 5 x 3-bed dwellings would not give rise to a significant increase in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 5 x No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.6 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 10 x No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The site is currently vacant and there is therefore no need to displace garage tenants to another garage site.

6.6.3 A condition would be added to provide storage for 1 x no. cycle space per dwelling in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.6.5 The proposed access has a width of approximately 3.9m. Although the narrow width would only allow one vehicle to enter or exit at any given time, Staff do not consider this to be sufficient reason to refuse the scheme given that the same scenario exist currently for the garage sites.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as there are no structures currently on site. The applicable fee is based on a combined internal gross floor area for the five dwellings of 437.5m² which equates to a Mayoral CIL payment of £8750.

6.8. Planning Obligations

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £30,000.

6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. A bin collection point would be provided within the access road approximately 20m from Victory Way and 14.5m from the front of the proposed semi-detached pair.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

BACKGROUND PAPERS

Application forms and plans received on 26th July 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 October 2012

Subject Heading:

**P0950.12 – Garage court to side of 9
Orchis Way, Romford**

**The demolition of 14 garages and
erection of 1 no. 4 bed dwelling**

(Application received 26th July 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]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of 14 garages and the erection of 1 x No. 4 bed dwelling. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the 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 102.2m² and amounts to £2,044.

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

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

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

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

Reason:

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

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

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

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

Reason:

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

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

Reason:

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

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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.

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

Reason:

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

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

Reason:

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

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

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

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:

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

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

Reason:

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

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

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

12) 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

13) Ground 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 II (Site Investigation) Report as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

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

14) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”), no extensions, roof extensions, roof alterations or

outbuildings 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.

15) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval 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.

19) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings on Plot 1 and Plot 2. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (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 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
 5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
 6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 7. In aiming to satisfy Condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court which is located to the south-western end of Orchis Way and is surrounded by residential dwellings to the north, south and west. Saxon King Public House is situated to the east of the proposed site. The subject site has a lower ground level than that of the immediate neighbouring properties. The site has an overall area of approximately 503sq.m.
- 1.2 Development in the vicinity is characterised by a mixture of 2-storey semi-detached and terraced dwellings which are mainly brick constructions.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of 14 garages and the erection of 1 x No. 4 bed dwelling with associated parking and amenity.
- 2.2 The dwelling would be two storeys measuring 9.2m in width and 6.7m in depth. It would have a hipped roof which measures 5.15m to the eaves and 7.8m to the top of its ridge. The dwelling would centrally located in the site and will be set 4.65m off the closest boundary.
- 2.3 On ground floor level would be a wc, kitchen, dining room, living room and a utility room. On the first floor would be 4 no. bedrooms, a bathroom and an en-suite bathroom. Windows and doors would generally be arranged to the front (northeast) and rear (southwest) with a flank wall window at ground floor to the south-eastern elevation.
- 2.4 The proposal would retain the existing access to the site measuring approximately 3.7m in width. An existing pathway to the side of the access road and extending all the way along the south-eastern boundary of No. 9 Orchis Way, measuring 1.2m in width, would also be retained.
- 2.5 There would be a bin collection point at the entrance to the site, approximately 5.3m from the front of the proposed dwelling.
- 2.6 Towards the south-eastern side of the dwelling would be parking space for 2 cars next to each other.
- 2.7 The dwelling would have a northeast-southwest orientation with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 253sq.m.

3. Relevant History

- 3.1 P1155.11 - To demolish existing 14 garages and erect 2No. two storey 4 bed dwellings with associated parking - Approved
- 3.2 N0066.11 - Minor amendment to P1155.11 addition of window at first floor front elevation - Withdrawn

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 Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site.
- 4.3 The Highway Authority has no objection to the proposal.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 107sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 105sq.m which is just below the recommended guidance and considered acceptable in this instance.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Amenity space would mainly be provided towards the rear (southwest) of the dwelling, wrapping around to the sides. The amenity space in this instance would measure approximately 253sq metres. The site currently has screen fencing around its boundaries however, appropriate fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.
- 6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be more than sufficient for the proposed dwelling. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the

proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 20 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with generous amenity areas towards the rear, and therefore is not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would be situated at the south-western end of the Orchis Way cul-de-sac and set back from the front building line of No. 9 Orchis Way. The development is therefore not considered to have a harmful impact on the streetscene. Any views down Orchis Way are also considered acceptable given the setback and central location of the proposed dwelling.

6.4.3 There is no characteristic built form in the immediate surrounding area and houses are generally 2-storey dwellings. Buildings in the vicinity are generally brick built.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached dwelling in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposed dwelling is situated approximately 5.3m from the flank boundary of the nearest dwelling at No. 9 Orchis Way. The proposal would not have an unacceptable impact on this neighbour due to the sufficient distance off the boundary and no windows proposed to the flank elevation.
- 6.5.3 To the southeast the proposed development backs onto the rear gardens of the properties along St. Neots Road. No unacceptable impact would occur to the amenity of these properties as a separation of 27m would be maintained between the existing dwellings and the proposed dwelling. Also no flank windows are proposed to this flank elevation.
- 6.5.4 Towards the south, windows in the rear elevation would face onto the properties along Colne Drive. The separation distance between the rear elevation of the proposed dwelling and No's 35-37 Colne Drive is between 24m at a minimum and 31m as a maximum depending on the point of measurement due to the orientation of the dwellings. There are no prescribed back to back distances, and given the garden depths between both properties, it is not considered that there would be any direct overlooking or invasion of privacy.
- 6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 1 x 4-bed dwelling would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.
- 6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 1 x No. family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed dwelling development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and

DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the eastern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 According to information provided by the applicant, all 14 garages are in a poor condition and all are currently vacant. The loss of these garages in favour of the proposal to provide new family accommodation is therefore considered acceptable and would not result in any highway safety or parking issues.

6.6.3 A condition would be added to provide storage for 2 x no. cycle spaces in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as the garages have not been in use for the last 6 months. The applicable fee is based on an internal gross floor area of 102.2m² which equates to a Mayoral CIL payment of £2044.

6.8. Planning Obligations

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road, approximately 5m from the front of the dwelling. The bin collection point is within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling.

7. Conclusion

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 26th July 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 October 2012

Subject Heading:

P0670.12 – 1 Franks Cottages, St Marys Lane, Upminster

Conversion of the garage to create an annexe (Application received 28th May 2012)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report is for the conversion of a double garage to create an annexe. A legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to the existing dwelling known as 1 Franks Cottages, Upminster, and shall not be used as a separate unit of residential accommodation at

any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

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

- The annexe shall remain ancillary to the main dwelling - No. 1 Franks Cottages.
- The annexe not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 1 Franks Cottages.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time limit - The development hereby permitted shall not be commenced later than three years from the date of this permission.

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

2. Materials – All new external finishes shall be carried out in materials to match those of the existing building(s), namely yellow stock brickwork and white UPVC windows, to the satisfaction of the Local Planning Authority.

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

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

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

4. Subdivision of garden - The garden area shown on the approved drawing No. 2012/04/09 shall not be subdivided at any time.

Reason: In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

5. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Article 3, Schedule 2, Part 2, Class A no gates, walls or enclosures shall be erected, constructed or altered within the site known as No. 1 Franks Cottages (including the annex) 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 order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies DC33, DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Design. The proposal is also considered to be in accordance with the provisions of Policies 7.4 (local character) and 7.16 (Green Belt) of the London Plan, and the provisions of the National Planning Policy Framework.

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

Planning Obligations

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

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

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site is located on the northern side of St Mary's Lane, Upminster. The site is presently occupied by a two storey semi-detached building, which adjoins a double garage with bedrooms in the roof. Youngs Farm is located to the west of the site. There are two storey semi-detached properties and Cranham Golf Course located to the east and south of the site respectively. The site is located within Metropolitan Green Belt.

2. **Description of development:**

- 2.1 The application seeks permission for a conversion of the double garage to create an annexe, which comprises of a study/sitting room. The first floor of the garage is already providing two bedrooms. Following a site visit, it is noted that the internal works have been undertaken, although the external works have not commenced. Externally, the proposal involves removing two pairs of garage doors with windows. There is an existing lobby in between the garage and the dwelling, which would provide access to the annexe.

3. **Relevant History:**

- 3.1 P1403.06 – Replacement of existing detached garage with new linked garage with bedrooms in the roof including side dormer windows – Approved.

P2140.03 – Replacement of existing detached garage with new detached double garage – Withdrawn.

P1409.03 – Replacement of existing outbuilding – laundry/utility room and garden store – Approved.

P0810.92 – First floor rear extension – Approved.

4. **Consultations/Representations:**

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. The occupiers of 9 neighbouring properties were notified of this proposal. No representations were received.

4.2 As the development still maintains the required standard of parking after the conversion of the garage to a study/sitting room – the Highway Authority has no objections to the proposals.

5. **Staff Comments:**

5.1 Policies DC33 (Car Parking), DC45 (Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Residential Design Supplementary Planning Document. Policies 7.4 (local character) and 7.16 (Green Belt) of the London Plan as well as Policies 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

5.2 The main issues in this case are the principle of the conversion, the impact on the Metropolitan Green Belt and the streetscene, the amenity of neighbouring occupiers and highway and parking provision.

5.2 **Principle of the Conversion**

5.2.1 The application site lies within Metropolitan Green Belt. The proposal is a conversion of the garage to create an annexe. Policy 9 of the National Planning Policy Framework (NPPF) states that the extension or alteration of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. Policy DC45 states that particular care will be taken to ensure that the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt.

5.2.2 It is considered that the conversion compiles with the above criteria contained in the LDF and NPPF. Furthermore, it is Staff's view that replacing two pairs of garage doors with windows and brickwork would be sympathetic to the character and appearance of the building.

5.2.3 It is considered that the proposed conversion of the garage to create an annexe would not affect the open character and appearance of the Green Belt. The NPPF states that the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction. The proposal is in accordance with this and the proposal therefore involves the re-use of an existing building in a manner which accords with guidance in the LDF and NPPF.

5.3 **Design/impact on street/Garden scene**

5.3.1 From a design point of view, no objection is raised to the conversion of the garage. It is considered that replacing two pairs of garage doors with windows and brickwork would integrate satisfactorily to the existing building and the streetscene.

5.4 Impact on amenity

- 5.4.1 It is considered that the conversion of the garage to an annexe would not result in an adverse impact to neighbouring properties, particularly as it would remain ancillary to the original property. A Section 106 agreement is however considered necessary to ensure that this remains the case, to prevent harm to amenity. Consideration has been given to the fact that the garage is located approximately 8 metres from the nearest residential property at No. 2 Franks Cottages. The annexe would utilise the existing access and therefore, it is considered that the conversion would not result in a significant loss of amenity to adjacent occupiers. It is considered that there would not be any adverse impact upon Youngs Farm or Cranham Golf course.

5.5 Highway/parking issues

- 5.5.1 The proposal involves the conversion of the double garage to create an annexe. There is space for four to five vehicles on hardstanding, which is sufficient. The Council's Highway Authority has no objection to the proposal and it is considered that the proposal would not create any parking or highway issues. The annexe would utilise the refuse and recycling storage provision of the main dwelling.

6. The Mayor's Community Infrastructure Levy

- 6.1 The proposal comprises conversion of the garage to create an annexe, which will remain ancillary to the main dwelling and does not involve the creation of additional floor space and as such, is not liable for Mayoral CIL.

7. Conclusion

- 7.1 It is considered that the principle of the conversion and the re-use of the existing garage are acceptable, as it is in accordance with Policy DC45 and the National Planning Policy Framework. It is considered that the proposed conversion of the garage to create an annexe would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building and by reason of its siting, it is considered that the proposal would not result in a significant loss of amenity to adjacent occupiers. The proposal would not create any highway issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that ensures that the annexe remains ancillary to the main dwelling.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 28/5/2012.

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

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**REGULATORY
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REPORT

4 October 2012

Subject Heading:

**P0950.12 – Garage court to the rear of
30 Daventry Road, Romford**

**The demolition of 16 garages and
erection of 1 no. 2 bed chalet bungalow**

(Application received 31st July 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]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of 16 garages and the erection of 1 x No. 2 bed chalet bungalow. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the 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 60.5m² and amounts to £1,210.

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

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

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

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

Reason:

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

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

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

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

Reason:

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

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

Reason:

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

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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.

7) Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed northeast facing dormer serving a cupboard and the 2 no. southwest facing dormers serving a bedroom and en-suite bathroom shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

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.

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

Reason:

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

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

a) parking of vehicles of site personnel and visitors;

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

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

Reason:

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

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

Reason:

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

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

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

13) 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

14) Ground 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 II (Site Investigation) Report as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

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

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) no extensions, roof extensions, roof alterations or outbuildings 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.

16) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval 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.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (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 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
 5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
 6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court which is located to the southwest of properties along Daventry Road and is surrounded by residential dwellings to the north, east, south and west. Ground level on the site is generally flat with no significant change in levels. The site has an overall area of approximately 630m².
- 1.2 Development in the vicinity is characterised by 2-storey residential dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of 16 garages and the erection of 1 x No. 2 bed chalet bungalow with associated parking and amenity.
- 2.2 The dwelling would measure 7.3m in width and 9.2m in depth. It would have a chalet style roof and would measure 2.45m to the eaves and 6.5m to the top of its ridge. The dwelling would centrally located in the site and will be set 3.5m off the closest boundary.
- 2.3 Four dormer windows are proposed, two to the front roof slope and two to the rear. The dormers would measure 1.6m in width, 2.9m in depth and 2.2m in height to the top of the dual pitched roofs.
- 2.4 On ground floor level would be a bathroom, kitchen / dining room, lounge and a bedroom. In the loft space would be a bedroom, en-suite bathroom and walk-in cupboard. Windows and doors would generally be arranged to the front (northeast) and rear (southwest) with flank wall windows to the south-eastern elevation.
- 2.5 The proposal would retain the existing access to the site measuring approximately 4.4m in width.
- 2.6 There would be a bin collection point along the access road, approximately 29m from the front of the proposed dwelling and 2m from the edge of the highway.
- 2.7 Towards the eastern side of the dwelling would be parking space for 2 cars in tandem.
- 2.8 The dwelling would have a northeast-southwest orientation with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 178m².

3. Relevant History

3.1 No relevant history.

4. Consultations/Representations

4.1 Notification letters were sent to 21 neighbouring properties and no letters of objection were received.

4.2 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site.

4.3 The Highway Authority has no objection to the proposals, however, do recommend that the access road is made shared; and the vehicle crossover at the entrance to the site be slightly extended – this in turn may result in the relocation of the lamp column and telegraph pole situated on either side of the access road. The bin collection point will also need to be relocated to the dwelling end of the access road away from the junction. The applicant has agreed to take the recommendation on board and revised drawings were received.

4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered

by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 83m² for a 2-bed 4-person dwelling. The proposal has an internal floor space of 86sq.m which is in line with the recommended guidance and considered acceptable.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Amenity space would mainly be provided towards rear (southwest) of the dwelling, wrapping around to the sides. The amenity space in this instance would measure approximately 178m². The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.
- 6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff do not consider the fact that the proposed amenity space is irregularly shaped to detract from the surrounding area or to be insufficient. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be

screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 20 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with generous amenity areas towards the rear, and therefore is not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would not form part of the Daventry Road street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment. Any view up the drive is also considered acceptable given the narrow driveway leading up to the proposed dwelling and the central location of the proposed dwelling.

6.4.3 There is no characteristic built form in the immediate surrounding area and houses are generally 2-storey dwellings. Buildings in the vicinity are built from a mix of bricks and render.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached dwelling in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 Neighbouring properties to the west and south are separated from the proposed dwelling by approximately 17m and 18m respectively at the nearest point. The distance is considered acceptable as the proposed dwelling is a chalet bungalow with the proposed dormers facing southwest to be obscure glazed as they serve an en-suite bathroom and a second window to a bedroom. Any potential impact to these properties is therefore considered acceptable.
- 6.5.3 The nearest dwelling towards the north along Daventry Road is No. 30 approximately 18.5m from the front elevation of the proposed dwelling. It is considered that this separation distance is sufficient to prevent any harmful impact in terms of overlooking and overshadowing.
- 6.5.4 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed chalet bungalow.
- 6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 1 x 2-bed bungalow would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.
- 6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 1 x No. family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the eastern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The site is currently vacant and there is therefore no need to displace garage tenants to another garage site.
- 6.6.3 A condition would be added to provide storage for 2 x no. cycle spaces in order to comply with the Council's standards.
- 6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 The Mayor's Community Infrastructure Levy

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as the garages have not been in use for the last 6 months. The applicable fee is based on an internal gross floor area of 60.5m² which equates to a Mayoral CIL payment of £1210.

6.8. Planning Obligations

- 6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 Other Issues

- 6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road, approximately 29m from the front of the dwelling and 2m from the edge of the highway. The bin collection point is within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling. The Highway Authority has requested that the bin collection point be relocated to the dwelling end of the access road away from the junction. The final position of the bin storage can be secured by means of a planning condition.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 31st July 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

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

SUMMARY

This planning application seeks an extension of time for outline planning permission P0683.09, which was approved by Members on 13th August 2009, with a resolution to grant permission for an extension of time given by Members on 13th September

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. This application is brought back before Members as the applicants have requested that a period of 5 years be allowed for the submission of a Reserved Matters application, rather than the 3 years that Staff recommended. Members resolved to approve on 13th September. The additional period of time is required to allow the applicant's time to arrange the necessary funding for the proposed development. In all other respects, the committee report is as previously presented.

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 - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within five years from the date of this permission.

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) of the Planning and Compulsory Purchase Act 2004).

3. Time Limit - The development to which this permission relates must be begun not later than the expiration of two 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).

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

Authority and thereafter the development shall be constructed with the approved materials.

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

5. 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

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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 14, 15 and 17, 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 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.

1. 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).

17. SC09 (Details of materials)

18. SC11 (Landscaping)

5. SC32 (Accordance with plans)

6. SC59 (Cycle Parking)

7. SC62 (Construction hours)

8. SC63 (Construction methodology)

9. 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.

16. 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.

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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:

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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-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.

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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

4 October 2012

Subject Heading:

**P1927.11 – Former Oldchurch Hospital,
Block 5, Oldchurch Road, Romford
(Date received 21/2/2012)**

Proposal

**Retention of 1 no. additional 5
bedroom house in Block 5, plot 367**

Report Author and contact details:

**Simon Thelwell (Planning Control
Manager) 01708 432685**

Policy context

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

Financial summary

None

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

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

SUMMARY

Planning permission for the residential redevelopment of the western end of the former Oldchurch Hospital Site was granted planning permission on 28th July 2011 with various small amendments also granted planning permission 30 March 2012. Both permissions followed the completion of a S106 agreement or variation to it and earlier consideration of the applications by Regulatory Services Committee.

This application proposes the retention of an additional 5 bedroom house which has been built as part of Block 5 at the far western end of the site facing onto Nursery Walk.

It is recommended that planning permission be granted subject to the prior completion and submission by the Owners to the Council of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the acceptance of the Unilateral Undertaking offered by the applicants to reflect the terms of the original S106 agreement of 27th July 2011 as varied by Deed of Variation dated 30th March 2012 as set out below (and in the report) and subject to the conditions set out below following the planning obligations:

- The dwelling to be used for Affordable Housing Purposes;
- The legal costs of the Council to be paid to the sum of £600.00 in respect of the format of the Unilateral Undertaking;
- The Owner to pay the council costs towards monitoring the planning obligations to the sum of £1,080.00
- The Owner not to sell lease. Let or otherwise dispose of the dwelling without imposing in the relevant documentation a term preventing any owner or occupier of the Affordable Housing Residential Unit from applying for a residents parking permit within the area of the Development Provided that the restriction will not apply to the holder of a disabled person's badge.
- The Owner to allocate the Affordable Housing Residential Unit in accordance with the Council's standard Nominations Agreements to be annexed to the Unilateral Undertaking.
- The Owner to pay the Council the following a Highway Contribution of £819.67 an Open Space Contribution of £409.84 and a Healthcare Contribution of £409.84

That staff be authorised to accept the unilateral undertaking and upon acceptance, to grant planning permission subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) no extensions, roof extensions, roof alterations or outbuildings 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.

2. Prior to the first occupation of the dwelling secure cycle storage facilities shall be provided in accordance with details of such which shall previously have been submitted and approved by the Local Planning Authority. Such approved facilities shall be implemented prior to first occupation and permanently retained and made available for residents use thereafter.

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

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

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

Reason for Approval:

This decision to grant planning permission has been taken:

- i) having regard to Policies CP1, CP2, CP7, CP8, CP10, CP9, CP10, CP12, CP15, CP16, CP17, CP18 of the LDF Core Strategy

Development Plan Document; Policies DC2, DC3, DC6, DC7, DC20, DC21, DC27, DC29, DC30, DC32, DC33, DC34, DC35, DC49, DC50, DC51, DC52, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC67, DC70, DC72 of the LDF Development Control Policies Development Plan Document; Policy SSA1 of the LDF Site Specific Allocations Development Plan Document; Policies 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.9, 3A.10, 3A.11, 3D.13, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A, 4A, 4A.10, 4A.11, 4A.13, 4A.14, 4B.1, 4B.2, 4B.5, 4B.9, 4B.10 of the London Plan (Spatial Development Strategy for Greater London) 2008 and London Plan Supplementary Planning Guidance, including 'Providing for Children and Young People's Play and Informal Recreation' and the National Planning Policy Framework.

ii) for the following reason: The proposed development would fulfil the aims and objectives of the relevant policies of the Local Development Framework and London plan by providing the residential redevelopment of a brown field site. The proposal would provide affordable housing for those with low incomes and would relate satisfactorily to its surroundings and neighbouring development and can be accommodated on the site without any materially harmful visual impact or any significant adverse impact on residential amenity. The proposal meets the objectives of national, regional and local policies by being sustainable development making efficient use of land and providing residential development with easy access to facilities without adverse impact on residential amenity.

REPORT DETAIL

1.0 Site Description and Background

- 1.1 The application site is located at the western end of the former Oldchurch Hospital site adjacent to Nursery Walk beyond which is the Crow Lane Gas Holder site..
- 1.2 Planning permission for the overall site was granted on 27th July 2011 (ref.P0975.10) for the residential development of 366 units, varying from 2 to 6 storeys in height and providing 338 flats and maisonettes and 28 houses. This was subsequently amended by P1417.11.
- 1.3 The site the subject of this application is at the southern end of the terrace of houses that have been constructed facing onto Nursery Walk as part of Block 5 of the overall development and is identified as Plot 367.

2.0 Description of Proposal:

- 2.1 Planning permission is sought for the retention of a three storey end of terrace house on the western side of Block 5 facing onto Nursery Walk. The plot is identified within the redevelopment proposals as Plot 367 and is

located at the southern end of newly built terrace of 3 storey 5 bedroom houses.

- 2.2 The house is identical in all respects to the rest of terrace with a first floor rear terrace, private rear garden and access to the communal amenity area that the overall block surrounds. The dwelling has been provided as affordable housing.

3. **Relevant History**

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

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

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

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

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

P1417.11 - Non-compliance with condition 2 of P0975.10 to enable the replacement of 4 no. 1 bed apartments in renovated 'Treasury' building with 2 no. 2 bed houses. Replacement of 2 no 4 bed houses with 3 no. 3 bed houses in Block 6. New 1 bed apartment and 3 bed apartment in lieu of undercroft parking in block 4 and consequent changes to design and appearance of affected units. Revision to tenure mix - Approved

4. **Consultations and Representations:**

- 4.1 No objections have been received.

Consultee Responses

Environmental Health – recommend conditions

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

Borough Crime Prevention Design Advisor – No new material comments

Streetcare (Highways) – No objections

5 **Relevant Policies**

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011. Havering Supplementary Planning Documents on Residential Design, Sustainable Design and Construction and Designing Safer Places are material planning considerations.
- 5.2 Policies DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC21 (Major Development and Open Space, Recreation and Leisure), DC33 (Car Parking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places) of Local Development Framework Development Control Policies Development Plan Document are also material planning considerations.
- 5.3 The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 6.9 (cycling), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).
- 5.4 The National Planning Policy Framework is a further material consideration.

6. **Staff Comments**

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

6.2 **Background**

- 6.2.1 The residential redevelopment of the western end of the former Oldchurch Hospital site was originally granted planning permission on 28th July 2011 following the completion of a S106 legal agreement. Block 5 of that scheme included a terrace of 8no 5 bedroom properties on its western side facing Nursery Walk. That scheme had been amended during the application process to remove a ninth house from the terrace as that property was located partly on land which fell outside the red line site boundary. During the construction of the block the applicants acquired the additional land from the developers of the eastern end of the former Oldchurch Hospital site. The applicants therefore chose to develop the block as originally submitted and this application is dealing retrospectively with the addition of that ninth dwelling to the terrace.

6.3 Principle of development

6.3.1 The principle of the redevelopment of the site for residential purposes has been established by the grant of full planning permission under ref P0975.10 as amended by P1417.11. No objection is therefore raised in principle to the application subject to it being acceptable in all other respects.

6.4 Design, Layout and Heritage Considerations

6.4.1 The additional dwelling that has been constructed forms a logical extension to the southern end of the terrace on the western side of Block 5 as originally permitted. The design is identical to the rest of the terrace comprising a three storey end of terrace house and is provided with the same first floor rear terrace and small private rear garden.

6.4.2 The extension to the terrace does not impinge or impact upon other existing or authorised developments or reduce the extent of any proposed amenity space that is intended to serve such dwellings. At its closest point the dwelling is located 30m from the locally listed retained wages and salary block adjacent to the Oldchurch Road entrance to the site. That building is has been restored and converted to residential use as part of the overall approved schemes for the redevelopment of the site and the additional dwelling has no adverse impact upon it..

6.5 Parking and Highway Issues

6.5.1 No additional parking provision has been made for the extra unit. However, the overall development would maintain a parking level of 0.6 spaces per dwelling which is considered to be acceptable and in accordance with policy owing to the proximity to the town centre and the good links to public transport facilities. Staff consider that the lack of any increase in parking provision is of marginal significance given the overall scale of the redevelopment. It is also worthy of note that the level of car parking proposed would still remain greater than the level of parking agreed for the redevelopment of the eastern end of the former Oldchurch Hospital site.

6.5.2 Cycle parking would be provided within the rear garden of the dwelling thereby maintaining cycle parking at a level of 1 space per flat in accordance with Policy DC35.

6.6 Other Considerations

6.6.1 The internal layouts of the unit demonstrates that it would be of a size which satisfies the requirements for affordable housing, lifetime homes and London Plan standards. Amenity space provision is unaffected by the additional dwelling.

6.6.2 The additional dwelling would have a very minor impact upon the demand for local services, including school places and the unilateral undertaking

offered would make a pro-rata contribution based upon the amount set out in the original S106 agreement.

- 6.6.3 The development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee would be based on an internal floor area of 121m² which equates to a Mayoral CIL payment of £2420.
- 6.6.4 As the development is for affordable housing the applicants are investigating whether social housing relief is applicable. This may not be the case as such applications normally need to be made in advance of construction.
- 6.6.5 Health and safety implications arising from the proximity of the site to the Crow Lane Gas Holder site are unaffected by the additional dwelling. The Health and Safety Executive agreed not to pursue their objections to the overall redevelopment provided that the Hazardous Substances Consent for the adjacent gas holder station could be revoked. Staff have reached agreement with National Grid over this matter as the gas holder station is now redundant. The formal revocation procedure is in hand but has yet to be finalised.
- 6.6.6 The overall development was subject to a S106 Legal Agreement which addressed the provision of affordable housing and financial contributions for the purposes of Education, highway improvements, primary healthcare and the improvement of nearby open spaces and parks together with a restriction on the ability of residents from applying for a parking permit within existing or proposed future controlled parking zones. A unilateral undertaking is offered by the applicants to ensure that the same provisions apply and that pro-rata contributions are secured.

7. **Conclusions**

- 7.1 Staff are satisfied that the retention of the additional dwelling is acceptable, has a satisfactory appearance and would have no adverse impacts upon the amenity of existing nearby or neighbouring dwellings
- 7.2 Should members agree with this conclusion, it is recommended that planning permission be granted and that the unilateral undertaking offered by the applicants be accepted.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications to the Council.

Legal implications and risks:

This application needs to be subject to the same Section 106 planning requirements as the original development. A unilateral undertaking is offered by the applicants to make these applicable to this application as required. This will need to be accepted prior to the issue of the planning permission.

Human Resources implications and risks:

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

Equalities implications and risks:

The Council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

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

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REGULATORY SERVICES COMMITTEE

REPORT

4 October 2012

Subject Heading:	Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Land adjacent to 10 Yelverton Close, Harold Hill shown zebra hatched on the plan annexed to this report (Application received 18 th May 2012)
Report Author and contact details:	Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk
Policy context:	Local Development Framework
Financial summary:	None

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

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

SUMMARY

This report relates to an application received on 18th May 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1488.11). The planning permission (planning reference P1488.11) involves the construction of 2 x 3-bedroom semi-detached dwelling with associated parking and garden areas. ("the Planning Permission").

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) ("the Act") to stop up the area of highway shown zebra hatched on the plan (drawing number 10.6861.2003) annexed to this report ("the Plan") so that the development can be carried out. The Council's highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1488.11 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 1st December 2011 the Council resolved to grant the Planning Permission under planning reference P1488.11) for the construction of 2 x 3-bedroom semi-detached dwelling with associated parking and garden areas. The Planning Permission was issued on 5th December 2011.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of an irregular shaped section of existing public highway on Yelverton Close, Harold Hill adjacent to 10 Yelverton Close, Harold Hill.
- 3.3 The section of public highway to be stopped up is approximately: 12.75 meters in length and 5.0 meters in width and is shown zebra hatched on the Plan annexed to this report.
- 3.3 The development involves building on land which includes the said area of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not

withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne exceptionally in this case by the client department following agreement with the developer that the Council bears these costs.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as amongst other matters carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

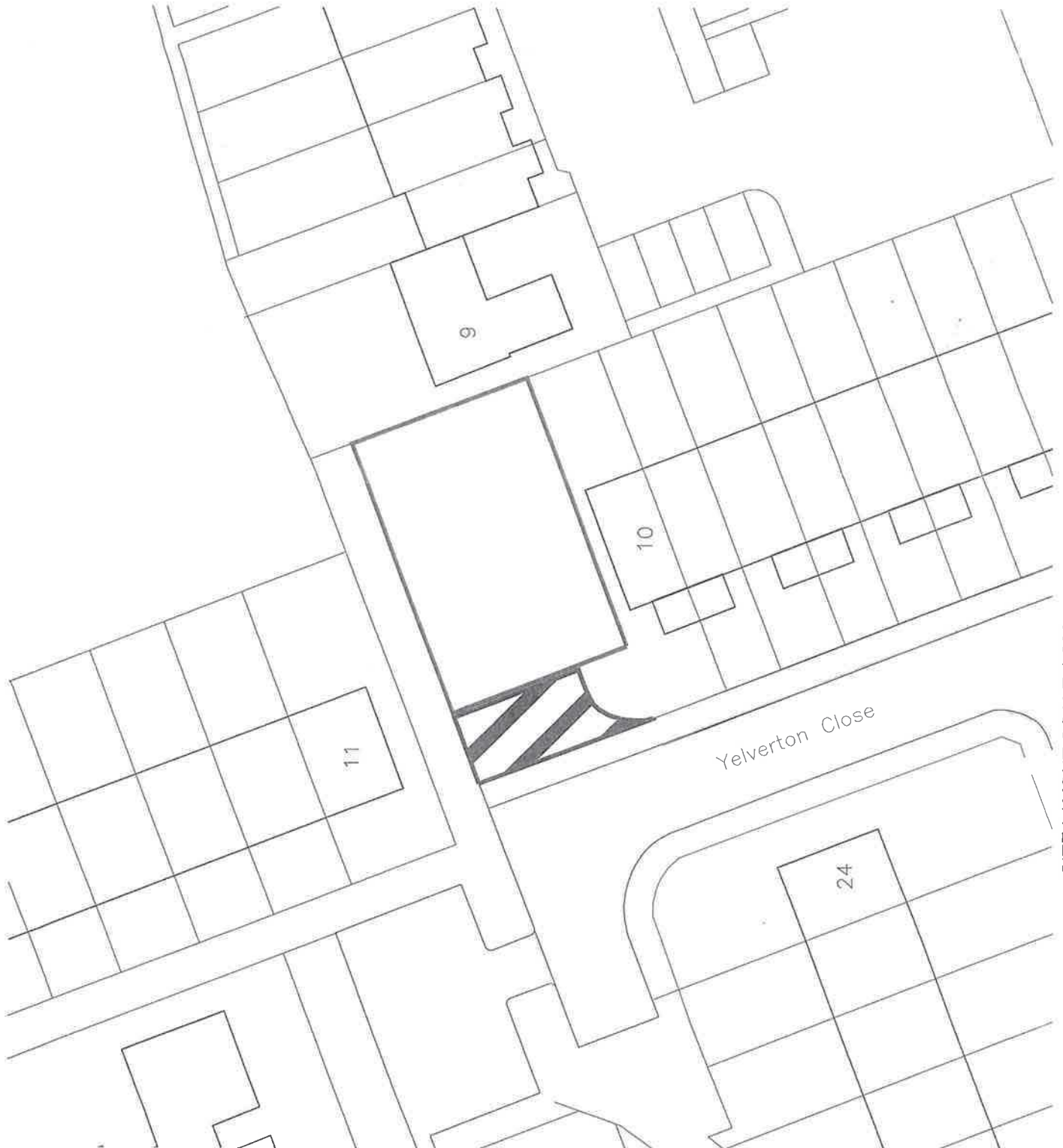
None that are directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

None that are directly attributable to the proposal.

Background Papers List

1. Report of Regulatory Services Committee dated 1st December 2011 which resolved to grant planning permission under planning reference P1488.11.
2. Plan with drawing number 10.6861.2003 showing the area to be stopped up zebra hatched



SITE LAYOUT SCALE 1:200

21 High Street, Liphinston, Elgin, GUM 85E
 Telephone 01577 355277 Fax 01577 355262
 4-17 Market Street, Livingston, SWS 020 8BY
 Telephone 01506 436627 Fax 01506 436621
 2 High Court, Witley, Surrey, GU24 0NY
 Telephone 01424 852267 Fax 01424 852266

HILL PARTNERSHIPS LTD

Project
 LAND BETWEEN 10 & 11 YELVERTON CLOSE
 HAROLD HILL

Drawing
 SECTION 247 STOPPING UP PLAN SHEET 2

Scale	Date	Drawn By	Checked By	Row No
1:200 @A2	SEPT 2011			
C.C.				
CAD Ref				

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 City Planning Applications to be marked as 'Part of a Development' to be reported to the Authority.

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REGULATORY SERVICES COMMITTEE

REPORT

4 October 2012

Subject Heading:	Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Land adjacent to 15 Smart Close, Harold Hill shown zebra hatched on the plan annexed to this report (Application received 18 th May 2012)
Report Author and contact details:	Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk
Policy context:	Local Development Framework
Financial summary:	None

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

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

SUMMARY

This report relates to an application received on 18th May 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1281.11). The planning permission (planning reference P1281.11) involves the Demolition of existing 19 garages and the erection of 2 dwellings with associated parking. ("the Planning Permission").

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) ("the Act") to stop up the area of highway shown zebra hatched on the plan (drawing number 8430-06-1022) annexed to this report ("the Plan") so that the development can be carried out. The Council's highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1281.11 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 1st December 2011 the Council resolved to grant the Planning Permission under planning reference P1281.11) for the construction of 2 x 3-bedroom semi-detached dwelling with associated parking and garden areas. The Planning Permission was issued on 6th October 2011.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of an irregular shaped section of existing public highway on Smart Close, Harold Hill adjacent to 15 Smart Close, Harold Hill.
- 3.3 The section of public highway to be stopped up is approximately: 8.95 meters in length and 2.9 meters in width and is shown zebra hatched on the Plan annexed to this report.
- 3.3 The development involves building on land which includes the said area of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not

withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne exceptionally in this case by the client department following agreement with the developer that the Council bears these costs.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as amongst other matters carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

None that are directly attributable to the proposal.

Background Papers List

1. Report of Regulatory Services Committee dated 4th^t October 2011 which resolved to grant planning permission under planning reference P1281.11.
2. Plan with drawing number 8430-06-1022 showing the area to be stopped up zebra hatched.



DRAWING FOR COMMENT ONLY
 THIS DRAWING SHOULD BE
 CONSIDERED PROVISIONAL
 - UNTIL RECEIPT OF
 WRITTEN CLIENT APPROVAL

 Richard Pike Associates <small>Plot 14, The Parkway, Havering, Essex, SS16 5JF Tel: +44 (0)1326 563520 Fax: +44 (0)1326 563521 www.rpa.co.uk</small>		 exor <small>ARCHITECTURE</small>
Project Data Smart Close Havering (Package 3)		
Client Hill Partnerships Ltd		
DRAWING Section 247 Stopping Up Plan Sheet 3		
Date February 2012		
STEVEN 1/200@A3	Client Ref CH104@UA	Issue FOR COMMENT ONLY
Drawing No. 8430-06-1022		FOR COMMENT ONLY
<small>All dimensions must be checked and confirmed in the Field</small>		

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REGULATORY SERVICES COMMITTEE

REPORT

4 October 2012

Subject Heading:	Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Land opposite 76 Myrtle Road, Harold Hill shown zebra hatched on the plan annexed to this report (Application received 18 th May 2012)
Report Author and contact details:	Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk
Policy context:	Local Development Framework
Financial summary:	None

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

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

SUMMARY

This report relates to an application received on 18th May 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1744.11). The planning permission (planning reference P1744.11) involves the demolition of existing garages and construction of a three storey extension to the existing building to provide 3 No. 2 bedroom flats. (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (drawing number 10.6861.2605) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1744.11 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 12th January 2012 the Council resolved to grant the Planning Permission under planning reference P1744.11) for the demolition of existing garages and construction of a three storey extension to the existing building to provide 3 No. 2 bedroom flats. The Planning Permission was issued on 17th January 2012.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a triangular shaped section of existing public highway on Myrtle Road, Harold Hill opposite 76 Myrtle Road..
- 3.3 The section of public highway to be stopped up is approximately: 9.0 meters in length and 3.6 meters on average in width and is shown zebra hatched on the Plan annexed to this report.
- 3.3 The development involves building on land which includes the said area of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not

withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne exceptionally in this case by the client department following agreement with the developer that the Council bears these costs.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as amongst other matters carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

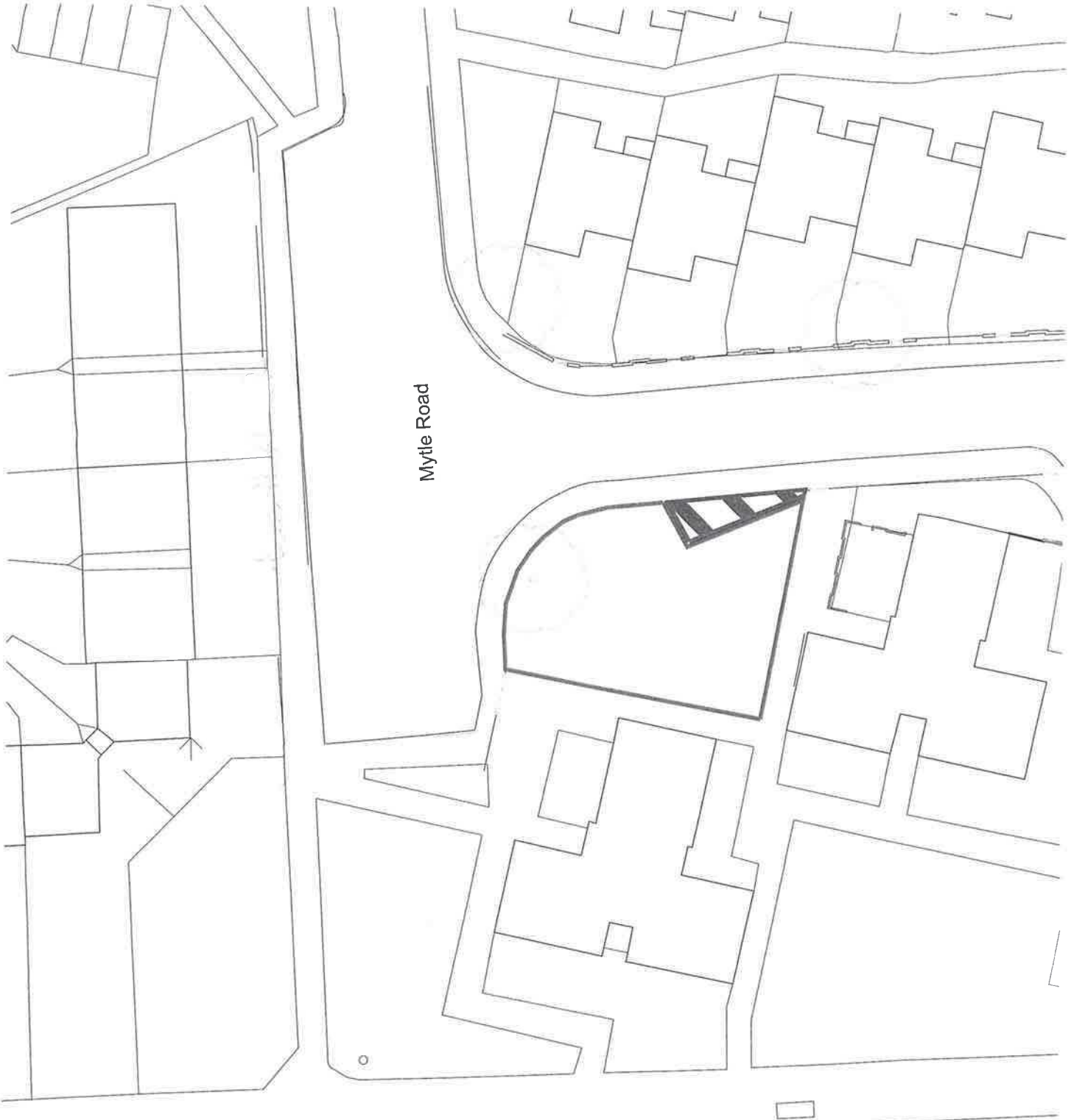
None that are directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

None that are directly attributable to the proposal.

Background Papers List

1. Report of Regulatory Services Committee dated 12th January 2012 which resolved to grant planning permission under planning reference P1744.11.
2. Plan with drawing number 10.6861.2605 showing the area to be stopped up zebra hatched



Mytle Road

SITE LAYOUT SCALE 1:200

Hill Partnerships Ltd
 10 Mytle Street, Lymington, Hampshire, SO41 1AA
 Telephone 01753 350227 Fax 01753 350256
 E-mail: info@hillpartnerships.co.uk
 Registered in Hampshire 11299 51000 Registered Office: 10 Mytle Street, Lymington, Hampshire, SO41 1AA
 VAT No: 254 581 5805

Client: HILL PARTNERSHIPS LTD

Project: LAND TO ADJACENT TO 195 TO 200 STRAIGHT ROA
 PAROLD HILL

Drawing: SECTION 247 STOPPING UP PLAN SHEET 2

Scale:	1:200 @A2	Date:	MAY 2012
Drawn by:	G.C.	Checked by:	G.C.
Drawn:	10.05.12	Checked:	10.05.12

Hill Partnerships, 10 Mytle Street, Lymington, Hampshire, SO41 1AA
 All dimensions to be checked on site or in this workshop before work commences
 Only figured dimensions to be worked to. Any discrepancies to be reported to the architect

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REGULATORY SERVICES COMMITTEE

REPORT

4 October 2012

Subject Heading:	<p>Application for the Stopping Up of Highway Land at the corner of Pettley Gardens and Cottons Approach adjacent to 32 Pettley Gardens Romford</p> <p>(Application received 15 June 2012)</p>
Report Author and contact details:	<p>Alexander O'Dwyer, 01708 432468 Alexander.odwyer@havering.gov.uk</p>
Policy context:	<p>Local Development Framework</p>
Financial summary:	<p>None</p>

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

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

SUMMARY

This report relates to an application by the Council dated 15 June 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1623.11). The planning permission (planning reference P1623.11) dated 16 December 2011 involves the construction of a new four bedroom detached dwelling unit involving some encroachment on public highway land (“the Planning Permission”).

The development site is Council owned land.

This application is made under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (entitled ‘Land Adjacent to 32 Pettley Gardens - Stopping Up Plan’) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

That:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 15 December 2011 the Council resolved to grant the Planning Permission (planning reference P1623.11) for a development comprising the construction of a new four bedroom detached dwelling unit. The Planning Permission was issued on 16 December 2011.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up is: 7 meters in width and 12.2 meters in depth and lies at the corner of Pettley Gardens and Cottons Approach adjacent to 32 Pettley Gardens, Romford. The terminal points of this section of land are: (a) OS grid reference point 550782, 188715; to (b) OS grid reference point 550784, 188683
- 3.3 The development involves building on land which includes areas of adopted highway (footway, maintained verge and access road). In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the Council. The Council will seek to recover these costs from the proceeds of any future sale.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

None directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

None directly attributable to the proposal.

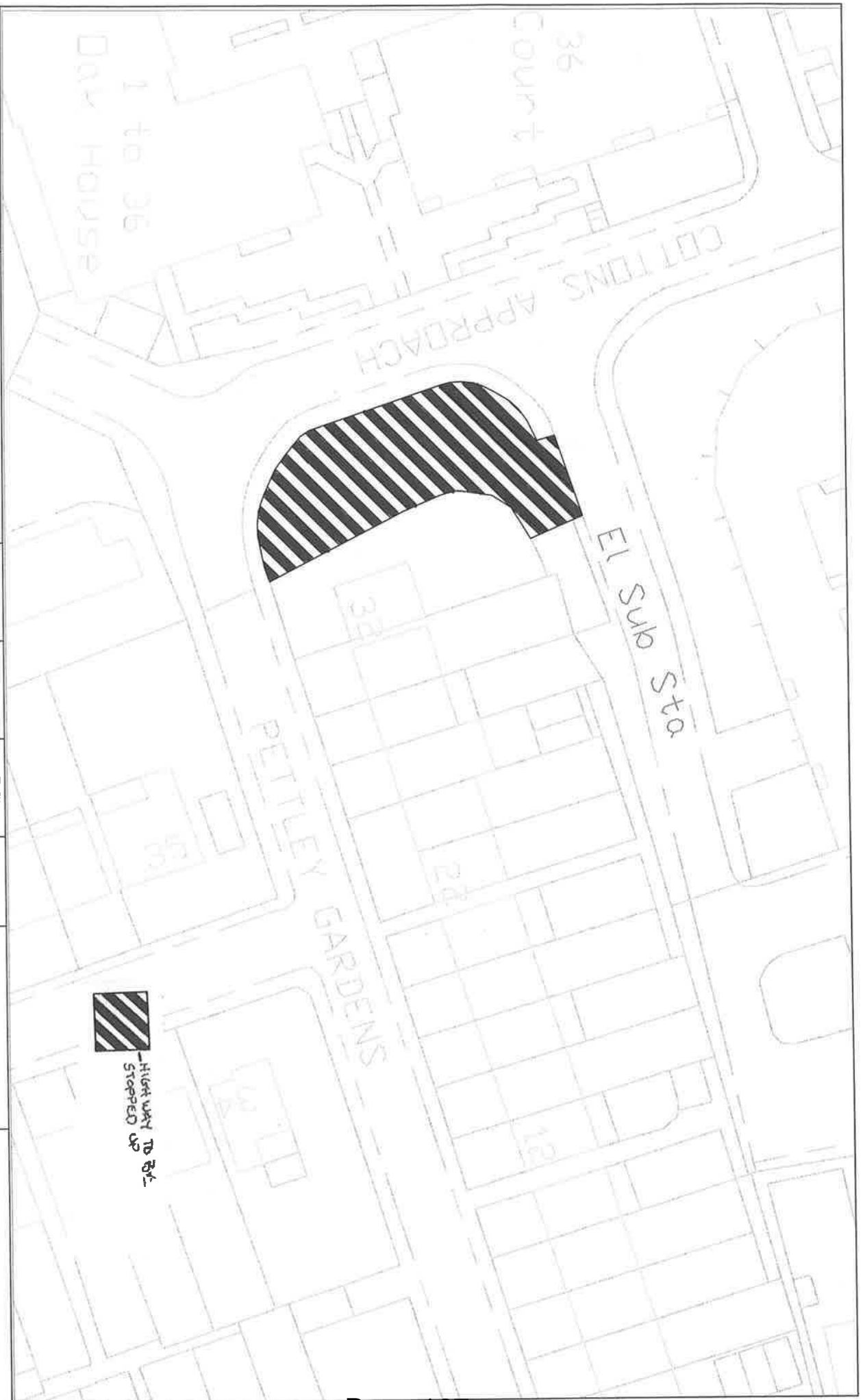
Background Papers List

1. Report of Regulatory Services Committee dated 15 December 2011 which granted planning permission under planning reference P1623.11 [Item No. 15]
2. Plan (Title '32 Pettley Gardens - Stopping Up Plan') showing the area to be stopped up

JOB TITLE
'32 **PETTLEY GARDENS**
 DRAWING TITLE
Stopping Up Plan

DRAWN BY INITIAL	CHECKED BY INITIAL	APPROVED BY INITIAL	PURPOSE	ISSUE
SCALE (AT A4 SIZE) 1:500	DATE 06/09/12	DRAFT		
ACAD REF: Sheet No. 44 (29/2/10)	DRAWING No PG/STOP/01	ISSUE	REVISION	REVISION
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			AMENDMENT	DATE

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 October 2012

Subject Heading:	Application for the Diversion of Footpath No. 252 at RM14 3QH over land situate at North Ockenden between Dennis Road and the stile to the south of the Railway crossing in Upminster Ward (and Ockendon Ward Thurrock Council area)
Report Author and contact details:	Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk James Rose, 01708 433868 james.rose@havering.gov.uk
Policy context:	1. Parks and Open Spaces Policy 2. Rights of Way Improvement Plan (currently in Draft) 3. Section 53(2) of the Wildlife and Countryside Act 1981
Financial summary:	Applicant contributes to costs of advertising and making Order

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

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

SUMMARY

- 1.1 This report relates to an application submitted by the owners of land running alongside the M25 within post code RM14 3QH, which is crossed by Footpath No. 252, to divert part of Footpath 252 because that part of it is being covered over by new earth banks to facilitate the widening of the M25 between junctions 29 and 30 and also divert the footpath around a new 'balancing pond' which will service the water run off from the M25.
- 1.2 The applicant requests that the Council exercise its powers under Section 119 (public path diversion orders) of the Highways Act 1980 to divert a section of footpath No.252 between the railway line stile at the northern end of the diversion and a new exit point on Dennis Road to the south approximately 60 metres to the east of its current termination point. The existing footpath No. 252 to be diverted is shown on the Definitive Rights of Way Map running from the stile to the south of the railway line (running between Ockendon and Upminster Railway Stations) southwards and near to the bottom of the M25 embankment to join with Dennis Road on the eastern side of the M25.
- 1.3 The Council must consider the following factors and determine whether it is satisfied that these tests have been met before confirming the Order following consultation. The Council must be satisfied that (i) the new path is not substantially less convenient to the public as a result of the diversion; (ii) that confirmation is expedient having regard to the effect of the diversion on public enjoyment of the path as a whole and on the land crossed by the existing path or to be crossed by the new one; and (iii) that the new path does not alter the point of termination otherwise than to a point on the same highway and be substantially as convenient to the public.

RECOMMENDATIONS

Subject to the landowners paying the Council's costs of making and advertising the Order under the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 [SI 407], receiving all necessary consents and making up the path into a suitable state for users it is recommended that:

- 2.1 The Council consults with interested parties, statutory consultees, the landowners and Thurrock Council (from whom the Council must obtain prior statutory approval) for an Order to divert a section of Footpath No.252 within RM14 3QH under the provisions of sections 119 and 120 of the Highways Act 1980 as amended by the Wildlife and Countryside Act 1981 on the grounds that it is expedient in the interests of the owners of the land to make this Order. The existing footpath is shown as a solid black line on the attached plan.

- 2.2 A Combined footpath and modification of the definitive map and statement Order be made to create a new route for users of Footpath 252 to facilitate the diversion as shown on the attached plan as a broken black line. Public Notice of the making of the Order be given by amongst other things posting Notices to this effect at each end of the path affected and in the Romford Recorder and the Thurrock Enquirer.
- 2.3 That in the event no objections are made to the proposal within the 28 day period specified or that any objections which may be made are withdrawn and/or resolved then the Order be confirmed by the London Borough of Havering without further reference to the Committee on the grounds that: (i) the Council is satisfied that the new path is not substantially less convenient to the public as a result of the diversion and that the interests of the owner are considered in balance with any possible inconvenience to the public; (ii) that confirmation is expedient having regard to the effect of the diversion on public enjoyment of the path as a whole and on the land served by the existing path or to be crossed by the new one; and (iii) the Council is satisfied that the new path does not alter the point of termination otherwise than to another point on the same highway [Dennis Road] which is substantially as convenient to the public. This decision will be made with due regard to the Havering Rights of Way Improvement Plan (in draft).
- 2.4 In the event that the objections submitted cannot be resolved the matter be remitted to a subsequent meeting of the Regulatory Services Committee after the close of the consultation period to determine whether or not to submit the order with the objections to the Secretary of State for confirmation or decide not to confirm the order.

REPORT DETAILS

- 3.1 Between 1975 and 1979 the Ministry of Transport constructed the M25 motorway through this part of Essex and in so doing blocked up or diverted numerous footpaths by Order. Footpath 252 was altered in this way from its 1971 Definitive Map and Statement line because it was bisected by the new motorway. Formerly FP 252 continued a hundred yards across a field to join with Pea Lane where it terminated. The diversion which was made by order of the Ministry in 1975 took the path south to join Dennis Road and ran it close to the eastern embankment of the M25 running north-south from the stile at the railway line.
- 3.2 On the 4th March 2011 the Council received an application from Skanska Balfour Beatty Joint Venture, who have become the owners of the Land which the existing footpath crosses, to formally divert the section of footpath No. 252 situated on their land along the black dotted line on the attached plan. The owner made this request because they were building out over the footpath to create a new embankment to support the M25 widening currently under way and to put in place a 'balancing pond' to accommodate water run off. Officers consider that the first test has been passed in that the Council is satisfied that it is expedient in the interests of

both the owners of the land which the old path rested on and the owner of the land over which the new path is proposed to go to make this Order.

3.3 Secondly, and on balance, Officers are satisfied that the diversion is not overall substantially less convenient to the public. This test is one which requires the Council to consider all the circumstances. The reasons for this conclusion are as follows:

- 3.3.1 The new footpath would run around a new 'balancing' (motorway drainage run-off) pond and back on to the same highway (Dennis Road) within 60 metres of the existing termination point further east so *more* convenient for walkers heading in that direction having also a little less road walking although the reverse will be true for those heading west back under the M25 into Havering so in this last respect the effect is considered to be at worst neutral;
- 3.3.2 the proposed route is further away from the M25's nearside lane southbound traffic than the existing path which is a gain in itself in terms of being in more open countryside and further from fumes and traffic noise;
- 3.3.3 the route is no less accessible to people with disabilities as there were stiles, steps and a railway crossing along this short part of the route and a proposed stile with steps up the bank at the Dennis Road end will mirror stiles at the railway crossing;
- 3.3.4 in general the Council considers that a diversion order which requires the minimum movement of a path will be less inconvenient and in this case it is not an unreasonably lengthy diversion as for those travelling eastwards it is in fact shorter;
- 3.3.5 the same widths of path can be achieved and in fact would be less restrictive on an open field boundary than previously;
- 3.3.6 the route does not result in a lower quality or diversity of views, in fact one could argue the contrary is true as planting is proposed to screen the pond and embankments and no features of interest are removed from the route, the path is not quite so overshadowed as before by the M25 overhead and the new pond adds a feature;
- 3.3.7 there are no additional hazards created on the route as such although there would be a new stile and steps up the bank in the Thurrock portion of the new path;
- 3.3.8 there is no downgrading of the right of way; and
- 3.3.9 there will be no additional maintenance costs.

3.4 In accordance with Section 119(1) of the Highways Act 1980 it is within the Council's discretion to make the Order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. Section 120 of the Highways Act 1980 makes additional provision in the exercise of powers of Highways Authorities under section 119. Section 120(1) provides that where a footpath lies partly within and partly outside the area of a highway authority, powers conferred under section 119 extend to the whole path "as if it lay wholly within their area". Section 120(1) requires consultation with, and the consent of, the council in whose area the other part of the path was. Part of the proposed diversion passes over land in Thurrock which has informally agreed to the principle of re-routing at the pre-

consultation stage. Formal consent will be required before any confirmation of the order is made.

4. ENVIRONMENTAL CONSIDERATIONS

The diverted path will be signposted as it is now with a finger post from Dennis Road. No further disturbance of flora or fauna is planned or considered likely. The route will be a 'field edge footpath' with protection from disturbance under the Highways Act 1980. A path has already been cleared by the landowner and or applicant in advance of the diversion being made through the hedge at the planned southern termination point. This was done without the knowledge of officers of the council and is in fact not within the Havering section of the footpath. The only flora of note (a large Hawthorne) was left intact and mostly scrub removed.

IMPLICATIONS AND RISKS

5.1 Financial Implications and Risks:

The costs of the making, advertising and confirmation and any costs associated with bringing the Footpath up to an acceptable standard as approved by our Parks and Open Spaces Department should the order be confirmed will be borne by the developer pursuant to the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 [SI 407]. This may be in the region of £3000.00 without the costs of making good the path. However, the costs of holding a Public Inquiry should there be one, is borne by the Order Making Authority alone. Officers will use their best endeavours to satisfy any objection before the end of the consultation period. To this end, some early consultation has been carried out by officers with the Ramblers and Thurrock Council who have been supportive of the plans up to this time.

5.2 Legal Implications and Risks:

Legal Services will be required to draft the Orders and Notices as well as carry out the Consultation process and through the applicant mediate any negotiation with objectors.

5.3 Equalities and Social Inclusion Implications:

None directly attributable to the proposal in terms of negative impact for people with disabilities. There are two stiles and a railway crossing with in-fill boards at the northern end of the diversion route already in existence for the safety of footpath users crossing the railway. The new footpath will serve Footpath 252 equally well in the opinion of your officers despite some additional steps being required and a new stile being erected at the proposed southern termination point.

CONCLUSION

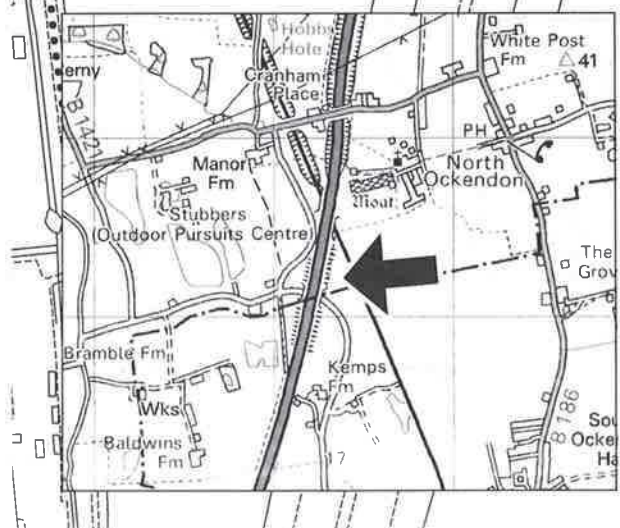
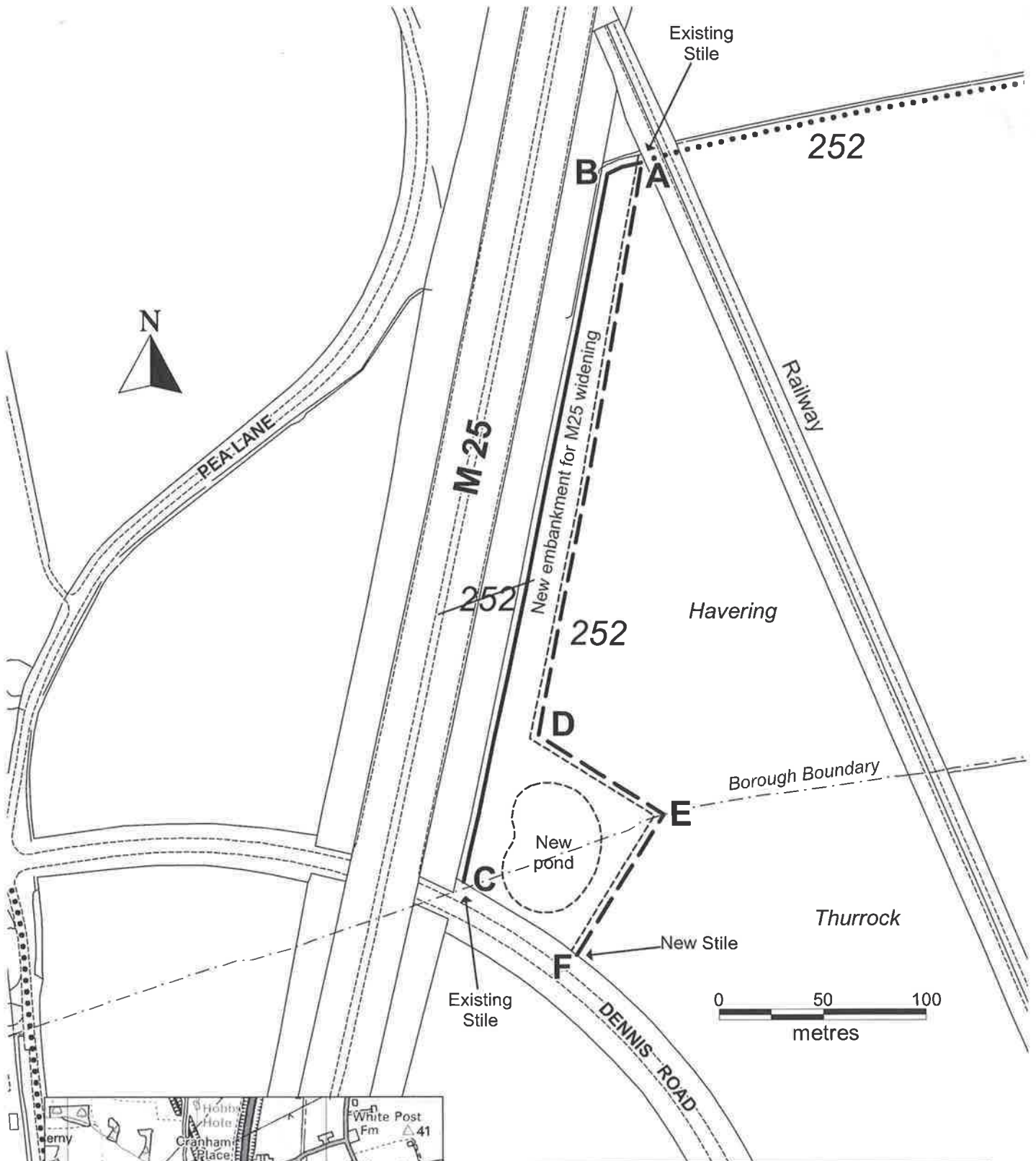
The proposed diversion and modification order is required with urgency to enable Footpath 252 to be kept open as a public right of way on its new route through this field.

Due to the physical situation on the ground, the cooperation and assistance from the applicant, the acquiescence of Thurrock Council as well as the fact of convenience to the land owner and relative absence of inconvenience to the public of the proposed route, the diversion of footpath 252 is in both the owners' and the public's interests. Accordingly it is considered appropriate, should the Council receive no objections, that the necessary Order be made and confirmed, subject to the applicant paying the Council's costs of making and advertising the Order under the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993.

It is therefore recommended that the necessary Order is made and confirmed if unopposed after the 28 day period for objections and if not to return to this committee for further instructions.

Background Papers List

1. Draft order and draft Plan showing route of existing and diverted path
2. List of statutory consultees and local consultees
3. Highways Act 1980
4. The Countryside and Rights of Way Act 2000
5. The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (SI No. 407)
6. The Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (SI No. 1978)
7. DoE Circular 11/96, Recovery of Costs for Public Path and Rail Crossing Orders - Amendment Regulations
8. DEFRA Rights of Way Circular (1/09) Version 2



**Diversion of Havering Footpath 252 and
Modification of Definitive Map and
Statement No.1 2012 Order**

Key

Existing Path to Close A - B - C **—————**

New Path A - D - E - F **- - - - -**

Unaffected Path **.....**

Scale; 1:2500 at A4 size
Grid Ref; 5583,1842 (TQ 583,842)

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REGULATORY SERVICES COMMITTEE

REPORT

Subject Heading:

P1413.11 – 178 Crow Lane – canopy building (received 22 September 2011; further information submitted 19 December 2011)

P1414.11 – 178 Crow Lane - steel clad building (received 22 September 2011; further information submitted 19 December 2011)

Report Author and contact details:

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Planning Control Manager (Applications)
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01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

At the Regulatory Services Committee meeting on 23 February 2012, Members resolved to grant planning permission for the retention of buildings at 178 Crow Lane, subject to a legal agreement. The applications were notified to the Secretary of State in line with Circular 02/2009 -Town and Country Planning (Consultation) (England) Direction 2009. The Secretary of State did not call in the applications. However, an aspect of the clauses in the proposed legal agreement offered by the applicant was not accurately related in the committee report.

This report seeks Members resolution to grant planning permissions subject to a legal agreement that accurately reflects the offer put forward by the applicant.

The applicant is a relative of a Councillor.

RECOMMENDATIONS

That in relation to planning application P1413.11, Canopy Building:

That the Committee notes that the development 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 555m² and amounts to £11,110.

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:

- To limit the height of container storage on the Land in the Area marked 'A' on the Plan attached to a maximum of five (5) containers at all times
- Not to stack any containers on the Land in the Area marked 'B' on the Plan attached at any time
- To pay towards the Councils costs in preparing this Agreement
- To pay towards the Councils costs of monitoring the obligations contained in 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 informative set out below:

INFORMATIVE

Reason for Approval:

Any harm to the Green Belt is outweighed by the applicant's demonstration of very special circumstances, and therefore the development complies with Policy DC45 and the National Planning Policy Framework.

That in relation to planning application P1414.11, Steel Clad Building:

That the Committee notes that the development 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 237.25m² and amounts to £4,745.

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:

- To limit the height of container storage on the Land in the Area marked 'A' on the Plan attached to a maximum of five (5) containers at all times
- Not to stack any containers on the Land in the Area marked 'B' on the Plan attached at any time
- To pay towards the Council's costs in preparing this Agreement
- To pay towards the Council's costs of monitoring the obligations contained in 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 condition and informative set out below:

1. The building hereby permitted shall not be used other than for purposes ancillary to the main use of the site.

Reason: To ensure that the use of the building does not result in adverse impacts upon the surrounding area.

INFORMATIVE

Reason for Approval:

Any harm to the Green Belt is outweighed by the applicant's demonstration of very special circumstances, and therefore the development complies with Policy DC45 and the National Planning Policy Framework.

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. Background

- 1.1 Members may recall that at their meeting on 23 February 2012, it was resolved that planning permissions be granted, contrary to recommendations, for applications involving the retention of a steel canopy building and a steel clad building, subject to the completion of a satisfactory legal agreement and no contrary direction from the Secretary of State. On 24 April, the Secretary of State confirmed that the applications raised no significant planning issues and that they should be determined at local level.
- 1.2 The legal agreement, as resolved by Members, was to require that containers in the part of the site marked on the plan accompanying the application as "Area A" be stacked no more than 5 high and that no storage of containers take place in "Area B" on the plan. The clauses suggested for the S106 agreement by Members were no doubt derived from the officer's report which outlined the steps the applicant had put forward as part of the very special circumstances why planning permission should be granted.
- 1.3 During negotiation with the applicant towards finalisation of the legal agreement, it has come to light that the officer report did not accurately outline this particular offer by the applicant. What the applicant was actually offering in relation to "Area B" is that no stacking of containers takes place in this area.
- 1.4 Staff consider that the difference in wording between what was offered by the applicant and what was reported in the committee report and taken forward by Members is significant enough that the revision to the resolution should be considered by members before the legal agreements can be completed and planning permissions granted.
- 1.5 Members should note that the applicant is related to a Councillor. This report has been passed to the Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure as required in the Council's Constitution.

2. Planning Considerations

- 2.1 The lawful use of the site is for storage purposes and the storage and stacking of containers in association with the storage use can take place on any part of the site. Currently containers are stacked toward the rear part of the site. Storage does take place to the front part of the site, but it is limited to a few containers located on areas between the existing buildings on the site, the rest of the open areas being for used for parking and circulation purposes. The applicant has pointed out that any restriction on the ability to store containers on Area B would affect the ability of the business to function.
- 2.2 A restriction not to stack containers in Area B would not change anything that is currently on the site, but it would prevent in the future any containers being more than one high on this part of the site. Members may consider that this restriction, together with the restriction on Area A to maximum of five containers stacked is sufficient to constitute very special circumstances together with the considerations previously made on 23 February.
- 2.3 It is considered that given the view expressed by the Secretary of State that the applications should be determined locally that a further referral to the Secretary of State would not be required.
- 2.4 It is therefore recommended that planning permissions be granted to retain the buildings, subject to a legal agreement that containers not be stacked more than 5 high in Area A, or stacked in Area B.
- 2.5 It should be noted that the grant of planning permission will result in the development being liable for the Mayors Community Infrastructure Levy (imposed on all relevant planning permissions granted after 1 April 2012). For the canopy building, based on a gross internal floor area of 555 square metres the rate payable would be £11,100. For the steel clad building, based on a gross internal floor area of 237.25 square metres, the rate payable would be £4,745. As the decisions may only be made after the Secretary of State confirming that a local decision is appropriate (SoS confirmation received 24 April), Mayoral CIL would now apply to these proposals in any event.

IMPLICATIONS AND RISKS

3. Financial Implications and risks:

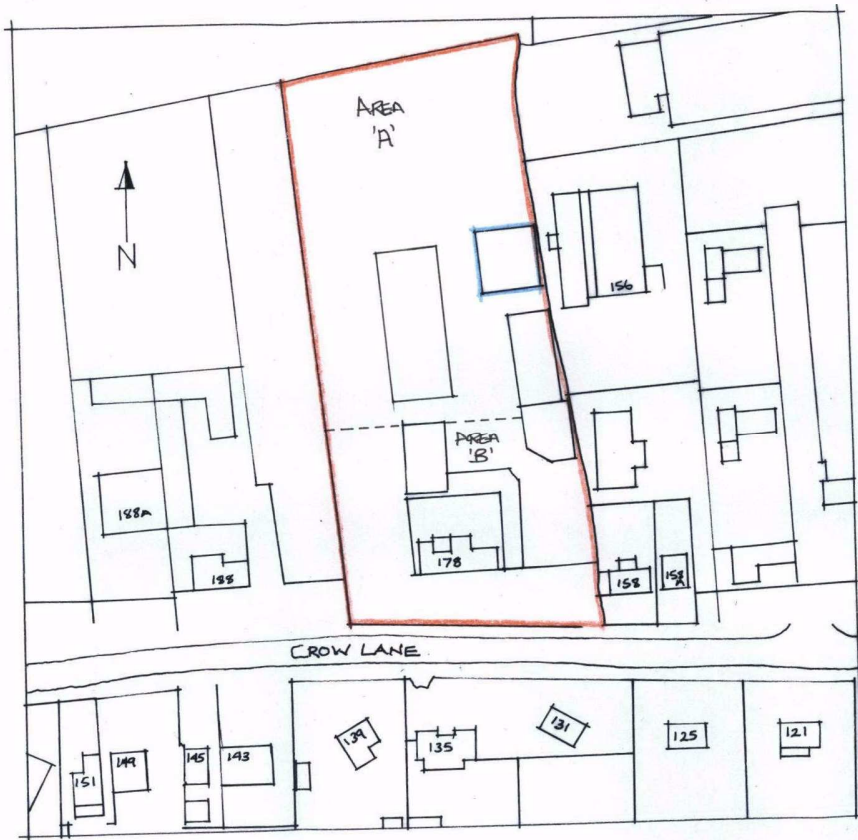
3.1 None.

4. Legal Implications and risks:

- 4.1 The applicant is a relative of a Councillor. This report has been passed to the Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.
- 4.2 Legal resources will be required to prepare and complete the legal agreement.
5. **Human Resource Implications:**
 - 5.1 None.
6. **Equalities and Social Inclusion Implications:**
 - 6.1 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. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
5. The relevant planning history.



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