



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 15 November 2012	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

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

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 24)

To approve as a correct record the minutes of the meetings of the Committee held on 13 September and 4 October 2012 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 25 - 50)

- 6 **P1020.12 - 69 OLDCHURCH ROAD** (Pages 51 - 70)

- 7 **P1047.12 - LAND TO THE REAR OF 223-233 BRENTWOOD ROAD, ROMFORD**
(Pages 71 - 90)

- 8 **P0907.12 - MORELAND CARE HOME, 5 MANOR ROAD** (Pages 91 - 110)

- 9 **URGENT BUSINESS**

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

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

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
13 September 2012 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Linda Hawthorn and Brian Eagling

Labour Group Paul McGeary

Independent Residents Group +David Durant

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

+Substitute members: Councillor Steven Kelly (for Sandra Binion), Councillor Brian Eagling (for Ron Ower) and Councillor David Durrant (for Mark Logan).

Councillor Michael Armstrong was also present for parts of the meeting.

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

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

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

58 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Brian Eagling declared a predisposition in relation to planning application P0585.12

Councillor Barry Tebbutt declared a pecuniary and prejudicial interest in planning application P0585.12

Councillor Jeff Brace declared a personal interest in relation to planning application P0859.12

59 **MINUTES**

The minutes of the meeting of the Committee held on 19 July 2012 were agreed as a correct record and signed by the Chairman with the following amendments to item 28 which should read 48 Warwick Road, part2/part 3 storey building, Councillor Wallace abstained from voting as opposed to Councillor Pain and Councillor Tebbutt did not vote for either the motion or resolution to refuse planning permission.

The minutes of the meeting of the Committee held on 2 August 2012 were withdrawn to be brought back at a future meeting.

60 **P0745.12 CORNER OF LAMBS LANE/NEW ROAD**

The report before members detailed an application for the redevelopment of the site to create 28 units, comprising 22 houses and 6 flats. All of the units were proposed as affordable housing.

Members were advised that there was an amendment to paragraph 6.7.3 which should have referred to there being a new access and not existing.

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

During the discussion, members discussed concerns regarding boundary protection and possible traffic calming measures.

In reply to a question regarding the use of Section 106 funding being allowed for traffic calming measures, officers confirmed that any Section 106 funding had to relate to the direct impact of the proposed development.

A member noted that highways issues could be considered at a future date independently from the planning permission at the Highways Advisory Committee.

Members asked that consideration be given to a condition restricting lorry movements during the construction process.

The Committee noted that the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) of £53,360.00.

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

- The provision of a minimum of 50% of the units within the development as affordable housing in accordance with Policies CP2

and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- A financial contribution of £168,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The submission of a landscape management and maintenance plan to include the aftercare of the planting and a scheme of future maintenance.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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 set out in the report and also subject to adjusting condition 16 to incorporate an additional point relating to the routes taken by lorries to and from the site making deliveries/removing plant or materials associated with construction of the development.

61 P0487.12 BRADLEY HOUSE, 194 RUSH GREEN ROAD

The report before members detailed an application for the change of use of Bradley House from a caretakers mess room to a meals on wheels catering depot. The proposal involved the demolition of garages to the rear and an existing side porch and the erection of a canopy and cold store.

8 letters of representation had been received.

Members were advised that there was an amendment to paragraph 5.9 of the report which should have referred to there being 8 vans and not 5 at the site.

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

During the discussion, members debated the possible noise from the freezer units at the site and the possible increased traffic that would impact on the junction of Rush Green Road and Dagenham Road.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and subject to amending condition 8 to require in addition, the submission, approval, implementation and maintenance of a scheme of collection of refuse.

The resolution was passed by 9 votes to 1 with 1 abstention. Councillor Osborne voted against the resolution to grant planning permission. Councillor Tebbutt abstained from voting.

62 **P0859.12 3 HEATH CLOSE, ROMFORD**

The application before members sought planning permission for the conversion of an existing detached garage to provide annex accommodation for family members. A Legal Agreement under section 106 of the Town and Country Planning Act 1990 was required to place an occupation restriction on the annex for use by family members.

Members noted that a letter of objection had been received from Councillor Andrew Curtin.

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 Michael Armstrong addressed the Committee. Councillor Armstrong commented that he agreed with the Council's Heritage officer that the change of use of the garage to annex accommodation was inappropriate and could set a harmful precedent. Councillor Armstrong asked that the Committee reject the application on the basis that approving the application would harm the conservation area.

During the debate members discussed the planning history of the site and the possible increase in traffic movements.

Members sought clarification that under the proposed Section 106 Agreement the annex could not be sold separately of the main residence.

Members sought clarification on whether restrictions could be put in place to prevent the laying of hard-surfacing in the garden area between the main dwelling and the annex. Members were informed that such restrictions may have been covered by an Article 4 Direction removing permitted development rights.

It was **RESOLVED** that subject to:

- there being a prevailing Article 4 direction dealing with control over any future hard-surfacing of the garden area between the main house and garage; and
- subject to the legal agreement incorporating a further restriction that the annex is not to be sold separately from the main dwelling

The Committee delegate to the Head of Development and Building Control authority to grant planning permission subject to the prior completion of a legal agreement and planning conditions. In the event that Article 4 provisions do not provide sufficient control over hard-surfacing, the application would be remitted back to Regulatory Services Committee for its further consideration and resolution.

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 3 Heath Close, Gidea Park, Romford;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 3 Heath Close, Gidea Park, Romford;
- The owners / developers as appropriate to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed;
- Payment of the appropriate planning obligation/s monitoring fee prior to the completion of the agreement;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out in the report but also to consider provided that prevailing Article 4 direction control over any future hardsurfacing of the garden area between the main house and garage; and subject to the legal agreement incorporating a further restriction that the annex is not to be sold separately from the main dwelling. In the event that Article 4 provisions do not provide such control over hardsurfacing, the application would be brought back to Committee for determination.

As stated at the beginning of the minutes, Councillor Jeff Brace declared a prejudicial interest in the application. Councillor Brace informed the Committee that he knew the applicant. Councillor Brace left the room during the discussion and took no part in the voting.

63 **P0419.12 WOODVILLE WORKS, CHURCH ROAD, HAROLD WOOD**

The Committee considered the report, noting that the development proposed was liable for the Mayor's Community Infrastructure Levy of £3,600.00, and without debate **RESOLVED** that the application was unacceptable as it stood, but would be acceptable subject to the applicant entering into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £6,000 towards local infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Unilateral Undertaking to the date of receipt by the Council;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee.

That upon the Unilateral Undertaking being signed that planning permission be granted subject to the conditions as set out in the report.

64 **P0913.12 HAVERING COLLEGE, ARDLEIGH GREEN CAMPUS**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions set out in the report and to include amended/additional conditions covering reserved matters within three years from date of planning permission and that the development would be started within two rather than three years.

65 **P0639.12 1 & 3 CRAVEN GARDENS, HAROLD PARK**

The Committee considered the report, and noted that the development proposed was liable for a Mayor's CIL payment of £5,255.60, and without

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

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the legal agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

66 **P0601.12 57 NELMES CRESCENT, HAROLD HILL**

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

- The owners / developers covenants that the occupation of the proposed development shall be restricted to relatives of the owners of the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers covenants that the proposed development shall not be leased or alienated separately from the land comprising 57 Nelmes Crescent, Horcnhurch;
- The owners / developers as appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking and any applicable planning obligation monitoring fee.

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

67 **P0585.12 65 GUBBINS LANE, HAROLD WOOD**

The report before members sought an amendment to the terms of planning permission P0585.12 that was granted approval on 19 July 2012.

During a brief debate members sought clarification of terms and conditions of the Section 106 Agreement terms and conditions.

Members raised concerns over the delay in completing the agreement.

Following a motion it was **RESOLVED** that planning permission be granted subject to

- the completion of a legal agreement to be completed within one calendar year, by 13 September 2012;and
- the requirement that should the legal agreement not be completed within one calendar year, by 13 September 2012, planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development; and fails to meet the necessary infrastructure costs arising from the development.

The vote for the motion was carried by 6 votes to 4. Councillors Oddy, Brace, Kelly, Misir, Osborne and Pain voted for the motion. Councillors Eagling, Hawthorn, McGeary and Durrant voted against the motion.

The vote for the substantive motion was carried by 6 votes to 4. Councillors Oddy, Brace, Kelly, Misir, Osborne and Pain voted for the substantive motion. Councillors Eagling, Hawthorn, McGeary and Durrant voted against the substantive motion.

It was **RESOLVED** in line with officers recommendation that planning permission be granted, but to include the motion to limit the application to a twelve month period, and to include that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- The provision of 8 units within the development as affordable housing with 6 of those units made available for social housing

and 2 of those units as shared ownership. Should any owners of shared equity units staircase to 100% equity, provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annex 2 of the National Planning Policy Framework;

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out in the report and to include an additional condition that subject to requirement that if the legal agreement is not signed and completed within one calendar year, ie by 13 September 2013 that planning permission be refused on grounds that the proposal did not make adequate arrangements for the provision of affordable housing within the development, or met the necessary infrastructure costs arising from the development.

The vote for the resolution to grant planning permission was granted by 6 votes to 4. Councillors Oddy, Brace, Kelly, Misir, Osborne and Pain voted for the resolution. Councillors Eagling, Hawthorn, McGeary and Durrant voted against the resolution.

As stated at the beginning of the minutes, Councillor Barry Tebbutt declared a prejudicial interest in the application. Councillor Tebbutt informed the Committee that a business customer of his adjoined the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.

68 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The report updated the Committee on the position of legal agreements and planning obligations. This related to approval of various types of application

for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2012.

The Committee **NOTED** the report and the information contained therein.

69 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 19 May and 17 August 2012

The report detailed that 22 new appeals had been received since the last meeting of the Monitoring Committee in June 2012.

The Committee **NOTED** the report and the results of the appeal decisions received.

70 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in June 2012.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

71 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

72 **EXCLUSION OF THE PUBLIC**

The Committee decided on the motion of the Chairman that the public should be excluded from the remainder of the meeting on the ground that it was likely that, in view of the nature of the business to be transacted, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 and it was not in the public interest to publish the information.

73 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 19 May 2012 and 17 August 2012.

The Committee **NOTED** the report and **AGREED** the actions being taken.

Chairman

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

Present:

COUNCILLORS: 10

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

Residents' Group Linda Hawthorn and Ron Ower

Labour Group

Independent Residents Group David Durant

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

+Substitute members: Councillor Steven Kelly (for Fred Osborne) and Councillor David Durrant (for Mark Logan)

Councillor Michael Armstrong was also present for parts of the meeting.

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

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

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

74 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Barry Tebbutt disclosed a pecuniary interest in applications P1413.11 and P1414.11. Councillor Tebbutt advised that the applicant was a family member. Councillor Tebbutt left the room during the discussion and took no part in the voting.

Councillor Sandra Binion disclosed an interest in applications P1413.11 and P1414.11. Councillor Binion advised that she was a close personal friend of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

75 **MINUTES**

The minutes of the meetings of the Committee held on 2 and 23 August 2012 were agreed as a correct record and signed by the Chairman.

76 **P0705.12 - 57 BROOKDALE AVENUE, UPMINSTER**

The report detailed an application for 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.

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

It was noted that 16 letters of representation had been received.

The application had been called-in for consideration by the Committee by Councillor Ron Ower due to the level of public interest.

During the debate members queried the exact ownership of the land and the specific parcel of the land that the report referred to. The certification on the planning application indicated that the applicant had made a declaration that the application site was within the applicant's ownership.

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

The vote for the resolution was passed by 6 votes to 4. Councillors Oddy, Tebbutt, Binion, Brace, Kelly and Pain voted for the resolution to grant planning permission. Councillors Misir, Hawthorn, Ower and Durrant voted against the resolution to grant retrospective planning permission.

77 **P0822.12 - 12 CEDRIC AVENUE, ROMFORD**

The application related to a two storey, semi-detached dwelling, with a garage and two off-street parking spaces. The proposal was for a single storey rear extension, which would be 8.5m wide by 4m deep. It would be provided with a hipped roof 3.85m high (2.8m high to eaves).

It was noted that one letter of representation had been received.

The application had been called-in for consideration by the Committee by Councillor Michael Armstrong on the grounds that the proposal was of an overbearing nature and would impact on light.

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

Councillor Armstrong confirmed that he did not wish to address the Committee.

During the debate members clarified Party Wall arrangements which members were advised were not directly relevant to the consideration of the planning application.

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

78 **P0926.12 LAND ADJACENT TO 39 NAVARRE GARDENS, ROMFORD**

The Committee considered the report, noting that a Mayoral CIL contribution of £3,512 was liable for the proposed development, and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 in the report

79 **P0928.12 LAND TO THE REAR OF 23-31 VICTORY WAY, ROMFORD**

The Committee considered the report, noting that a Mayoral CIL contribution of £8,750 was liable for the proposed development, and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal

Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 in the report

80 **P0930.12 LAND ADJACENT TO 9 ORCHIS WAY, ROMFORD**

The planning reference in the front page heading of the report was corrected replacing P0950.12 with the correct planning reference P0930.12. The Committee considered the report, noting that a Mayoral CIL contribution of £2,044 was liable for the proposed development, and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs.
- 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 condition 19 being renumbered condition 16.

81 **P0670.12 1 FRANKS COTTAGES, ST MARY'S LANE, UPMINSTER**

The report before members sought permission for the conversion of a double garage to create an annexe. A legal agreement was required to ensure that the annexe should be used only for living accommodation ancillary to the existing dwelling known as 1 Franks Cottages, Upminster, and should not be used as a separate unit of residential accommodation at any time.

During a brief debate members clarified the exact nature of the proposed Section 106 Agreement.

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

- The 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 in the report.

The vote for the resolution was passed by 7 votes to 0 with 3 abstentions. Councillors Oddy, Tebbutt, Binion, Brace, Kelly, Misir and Pain voted for the resolution to grant planning permission. Councillors Hawthorn, Ower and Durrant abstained from voting.

82 **P0950.12 LAND TO THE REAR OF 30 DAVENTRY ROAD, ROMFORD**

Members noted that there was an amendment to the report. Item 2.6 should have read 18.5m from the road as opposed to 29m as was shown in the report and the same correction was made to the report on the fourth line of paragraph 6.9.1.

It was also noted that a Mayoral CIL payment of £1,210 was liable for the proposed development.

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

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

83 **P0913.12 HAVERING COLLEGE, ARDLEIGH GREEN CAMPUS**

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

84 **P1927.11 FORMER OLDCHURCH HOSPITAL**

The Committee considered the report and without debate, **RESOLVED** 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 and the following 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 conditions as set out in the report.

85 **YELVERTON CLOSE APPLICATION FOR STOPPING UP ORDER**

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

86 **SMART CLOSE APPLICATION FOR STOPPING UP ORDER**

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

87 **MYRTLE ROAD APPLICATION FOR STOPPING UP ORDER**

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

88 PETTLEY GARDENS APPLICATION FOR STOPPING UP ORDER

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

89 **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)**

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

90 **P1413.11/P1414.11 178 CROW LANE**

The Committee considered the reports and without debate, **RESOLVED** that in respect of planning application P1413.11 the Committee noted that the development was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee was based on an internal gross floor area of 555m² and amounts to £11,110.

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:

- To limit the height of container storage on the Land in the Area marked 'A' on the Plan 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 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.

In respect of planning application P1414.11 the Committee noted that the development was 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 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:

- To limit the height of container storage on the Land in the Area marked 'A' on the Plan 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 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 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.

The vote for the resolution to grant planning permission was carried by 7 votes to 0 with 1 abstention. Councillors Oddy, Binion, Brace, Kelly, Misir, Hawthorn and Ower voted for the resolution to grant planning permission. Councillor Durrant abstained from voting.

As stated at the beginning of the minutes Councillor Tebutt declared a pecuniary interest in the application. Councillor Tebutt advised that the applicant was a member of family. Councillor Tebutt left the room during the discussion and took no part in the voting.

As stated at the beginning of the minutes Councillor Binion declared an interest in the application. Councillor Binion advised that she was a close friend of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

Chairman

Regulatory Services Committee

15 November 2012

Page No.	Application No.	Ward	Address
1-9	P0802.12	Emerson Park	Essex Timber Buildings The Moorings Garage, Southend Arterial Road, Hornchurch
10-15	P0976.12	Pettits	24 Greenock Way, Romford
16-23	P0997.12	Gooshays	Springfield, off Church Road, Noak Hill, Romford

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REGULATORY SERVICES COMMITTEE

15th November 2012

APPLICATION NO:	P0802.12	
WARD :	Emerson Park	Date Received: 30th July 2012 Expiry Date: 24th September 2012
ADDRESS:	Essex Timber Buildings The Moorings Garage Southend Arterial Road Hornchurch	
PROPOSAL:	Continued use for the display and sale of timber buildings Additional Info & revised Plans received 30.10.2012	
DRAWING NO(S):	Site Location Plan Site Layout Plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

SITE DESCRIPTION

The application site is a former petrol filling station, located on the southern side of the Southend Arterial Road (A127), to the west of The Rosary and to the east of Knoll Cottage.

The site is almost entirely hard surfaced with an existing vehicular access and egress onto the A127. The canopy of the former petrol filling station remains in a central location within the site with two single storey structures, a former sales kiosk and a small storage building, located towards the southern side of the site. For the past three years, the site has been occupied by Essex Timber Buildings and used for the display and sale of timber buildings. The former petrol station sales kiosk building is being reused as an office.

The surrounding landscape is predominately characterised by open fields screened by existing trees. There is no screening to the front of the site which is bounded by a small 300mm high brick wall and pedestrian footway; the site is therefore highly visible from the public highway. There is a small cottage immediately opposite, a farm house to the east and a scattering of dwellings marking the beginning of a residential area further to the west. The site is situated within the Metropolitan Green Belt.

The site has previously been in, what officers consider, to be an unsightly condition, particularly given its location within the Green Belt and alongside a major roadway serving the borough. The applicant has recently made some attempts to improve the appearance of the site, by removing detritus and undertaking a very limited amount of planting.

DESCRIPTION OF PROPOSAL

Planning permission was granted in June 2009 (Reference P0234.09) for the use of the site for display and sale of timber buildings. This planning permission was subsequently varied (Reference P1556.10) to allow for an increase in the number of timber buildings being displayed and their arrangement. Condition 1 of planning consent P1556.10 states that:

"This permission shall be for a limited period only expiring on 19th June 2012 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority."

The application under consideration seeks a continuation of the use of the site, as permitted by

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planning permission P1556.10.

RELEVANT HISTORY

The previous planning decisions of most relevance to the proposal are as follows:

P0063.01 - Change of use to used car sales area - Refused

P0780.02 - Change of use to hand car wash and ancillary car sales - Part approved, part refused

A0046.08 - Display of two No. free-standing, externally illuminated advertisement display panels
Refused

P0234.09 - Change of use of site for the display and sale of timber buildings - Approved

P1556.10 - Retrospective permission is sought to change the location of existing timber display sheds and to increase the maximum number of display sheds to 16 - Approved.

Enforcement History

APP/B5480/C/10/2139759 - Appeal against enforcement notice (ENF/420/09/EM) alleging unauthorised change of use including the open storage of wood materials, manufacturing of wooden buildings, and the storage of a mobile home, contrary to planning permission P0234.09. Appeal dismissed 29th March 2011.

Current on-site activity

Previously, beneath the former filling station canopy, one large building was constructed and this was being used to manufacture/assemble timber buildings. This activity was the subject of the above enforcement notice, an appeal against which was dismissed. Whilst the large building has since been altered into six smaller "display" buildings, officers have observed evidence that the open storage of wood materials and a degree of assembly is still taking place at the site.

P1556.10 - Retrospective permission is sought to change the location of existing timber display sheds and to increase the maximum number of display sheds to 16
Apprv with cons 01-02-2011

P0234.09 - Change of use of site for the display and sale of timber buildings
Apprv with cons 19-06-2009

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to ten neighbouring properties. A representation has been received from a neighbouring occupier stating that conditions should continue to be employed in relation to vehicle parking and the storage of timber buildings. It is stated that the the manufacture of timber buildings is not permitted at the site.

Highway Authority - No objections.

Transport for London - No objections; condition recommended.

RELEVANT POLICIES

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

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DC22 - Thames Chase Community Forest
DC32 - The Road Network
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design

National Planning Guidance

National Planning Policy Framework

STAFF COMMENTS

The main issues arising from this application are considered to be the principle of development, the visual impact, the impact on amenity, and the highway impact of the proposal.

As an application to vary a condition on an existing planning permission, the proposal, if granted, would result in a new planning permission being issued. It will therefore be necessary, where appropriate, to re-impose the conditions imposed previously in this case.

GREEN BELT IMPLICATIONS

The site is located in the Green Belt. This planning application proposes the change of use of land and buildings. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes. These include the reuse of existing buildings and the guidance contained in PPG2 is referred to. Given that PPG2 has been superseded, this application will be considered in accordance with the Green Belt guidance contained in the NPPF.

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

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

In terms of Green Belt policy, this application proposes the material change of use land and the re-use of an existing building.

Paragraph 90 of the NPPF states that "certain other forms of development" may also constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. It is considered that the continued use of the former retail building as an office, and the continued use of the former petrol filling canopy in association with the display of timber buildings, would not constitute inappropriate development in the Green Belt.

The NPPF is silent in relation to material changes of use. The proposed continuation of the use of the land for the display and sale of timber buildings is therefore considered to constitute

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inappropriate development in the Green Belt.

In granting planning permission for the use of the site for the display and sale of timber buildings in June 2009 (planning permission P0234.09) the Council considered that the use would result in inappropriate development within the Green Belt. However, it was concluded that very special circumstances existed to justify what would be inappropriate development in the Green Belt. These factors included the reuse of the former sales building, the fact that the timber display buildings were to be of a temporary nature, and the fact that the display buildings were to be sited predominantly beneath the former filling station canopy. A further factor was the fact that the proposal provided an opportunity for the Council to secure some improvement in the condition of the land, as well as to impose conditions to control the land use.

A subsequent planning permission was granted allowing for an increase in the number of buildings to be displayed from 13 to 16, however, this temporary permission was conditioned to expire at the same time as the original consent for the display and sale of timber buildings.

In terms of the application under consideration, which proposes the continuation of the site's use for the display and sale of timber buildings, it must be considered whether such very special circumstances exist to overcome the harm to the Green Belt, by reason of inappropriateness and any other harm. It is considered that the factors constituting very special circumstances when the original permission was granted, remain relevant to this application.

However, whilst the applicant has recently made some improvements to the appearance of the site, it is still considered that parts of the site are in an unsightly condition, making the proposed use detrimental to the visual amenities of the Green Belt. There is also evidence that the applicant has continued to undertake unauthorised activities at the site, which may need to be the subject of further enforcement action. These factors, to some extent, undermine the case for very special circumstances that was previously accepted by the Council in allowing inappropriate development to occur in the Green Belt.

It is considered that the visual harm of the existing use could partly be mitigated against through the implementation of a high quality landscaping scheme and other works to improve the appearance of the site. This matter is discussed further in the following section and the conclusion to this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposed use involves the display and sale of portable timber buildings. In practice, various materials and items are also stored at the site, particularly in the security area at the south western corner of the site. The storage of these materials and items is contrary to planning controls and give the site an untidy appearance.

In all other respects, the appearance of the site, which includes a former retail building and canopy, would be comparable to its appearance during its previous use as a petrol filling station, albeit in a more delapidated state.

It is recommended that the conditions previously imposed in this respect be employed again in this case, should planning permission be granted, and the unauthorised storage of materials and other items could be the subject of enforcement action.

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Whilst the applicant has recently made attempts to improve the appearance of the site, by clearing up the most visible rubbish and undertaking a very limited planting scheme, it is considered that the use of the site continues to detract from the visual amenities of the Green Belt, and a major roadway serving the borough. The applicant has submitted some basic information indicating that further landscaping works will be undertaken in the Spring, although the works indicated appear to be of a very limited nature, being restricted to a narrow strip along the site's northern boundary.

Officers consider the appearance of the site to be unacceptable, particularly given its prominent, Green Belt location. It is considered that a suitable redevelopment of the site would be the preferred option in the long run, but in order for the current use to continue, then significant efforts would need to be made to improve the appearance of the site, through an extensive landscaping scheme, along with improved boundary treatment, and improvements to the external appearance of the permanent buildings. However, as the applicant does not own the site, and may be subject to a short term lease, it may be unreasonable to require these more fundamental and costly improvements.

It is therefore recommended that a temporary planning consent of two years be granted, with a view to making this permanent in future should the appearance of the site be substantially improved, or subject to firm proposals, as part of a future planning application, to improve the site's appearance. Two years is considered to be a sufficient period of time to allow the landowners to decide what their intentions are in relation to this site and/or for the applicant to discuss opportunities to take ownership of the site and to commit to investing in its appearance.

In the event that the site is not substantially improved within the period of two years, should this application be granted, or in the event that formal proposals to improve the appearance of the site are not received by the time the planning consent expires, then it is considered that planning permission be refused in future for any further extensions of time.

IMPACT ON AMENITY

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

The nearest residential property to the site is located over 50m away, and is located on the opposite side of the Southend Arterial Road. Other residential properties are located in excess of 70m away. The timber buildings to be displayed and sold are single storey in height, and it is not considered that these would result in any significant adverse impacts on the amenities of neighbouring occupiers. In all other respects, the proposal would either result in no change, or would have less of an impact than the site's previous use as a petrol filling station.

In terms of its impact on residential amenity, given the nature of the proposal, including its siting, scale, and design, it is considered to be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

The proposal would not result in any changes to the existing access arrangements. The proposal would include car parking spaces for 15 customers and 5 staff. It is considered that the proposal would generate less vehicle movements than the site's former use as a petrol filling station. The Council's Highway Officers have raised no objections to the proposal. Transport for London have requested that a condition be imposed, should planning permission be granted, requiring the submission and approval of a Delivery and Servicing Plan. Officers consider this condition to be unnecessary given that the site generates less traffic than the previous use and

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that the site has already been in use for the proposed purposes for three years without there being any complaints or known problems arising from the access and egress arrangements.

In terms of its access arrangements and highway impact, the proposal is considered to be acceptable and in accordance with Policies DC32 and DC33 of the LDF.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal constitutes inappropriate development in the Green Belt, and therefore, very special circumstances are required to justify the proposed development. The factors constituting very special circumstances for the previous two applications are judged to still apply in this case.

It is recommended that a temporary planning consent of two years be granted to give the applicant and the landowner the opportunity to significantly improve the appearance of this prominent, Green Belt site. The recommendation is considered to represent a compromise between, on the one hand, allowing the operator to continue his business and keeping the site in active use, and on the other hand, seeking a substantial improvement of the site's appearance, which is currently considered to be unacceptable. If a scheme for substantially improving the site's appearance does not come forward within the period of two years, then it is considered that any future proposals to continue the existing use should be refused.

Subject to the conditions imposed on planning consent P1556.10, where appropriate or subject to minor changes, being imposed in this case, along with any additional conditions as discussed earlier in this report, it is considered that the proposal would be acceptable for a temporary period of two years. The proposal is considered to be acceptable having had regard to Policies DC22, DC32, DC33, DC45, and DC61 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. M SC16 (Temporary permission) INSERT DATE

This permission shall be for a limited period only, expiring at the end of 2 years from the date of this planning permission. The approved use shall thereafter be discontinued, with the buildings sited, materials and other items stored, and works carried out under this permission being removed within 3 months.

Reason:-

In the interests of the openness of the Green Belt, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC45 and DC61.

2. M SC21 (Personal permission)

The permission hereby granted shall be personal to Mr Peter Arrowsmith only and shall not endure for the benefit of the land or any other person.

Reason:-

In the interests of the openness of the Green Belt, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC45 and DC61.

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3. M SC27 (Hours of use)

The site shall not be used for the purposes hereby permitted other than between the hours of 0800 and 1800 on Mondays to Saturdays and 1000 and 1600 on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. S SC32 (Accordance with plans)

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

Reason:-

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

5. Non standard condition

No goods or materials, other than temporary display buildings, shall be stored on the site in the open air. Storage within the display buildings themselves shall be limited to materials for onward shipping to customers. No assembly or manufacturing activities shall take place at the site.

Reason:-

In the interests of visual amenity and the openness of the Green Belt, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

6. Non standard condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be for the purposes of the display and sale of timber buildings and conservatories only and shall be used for no other purposes whatsoever including any other retail (Class A1) use in the Use Classes Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

7. Non standard condition

The number of display buildings on the site shall not exceed a total of 16 at any one time with the buildings being positioned only in those areas shown on the approved

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plan. The maximum size of any one of the display buildings shall not exceed 30 square metres in area. No display buildings shall exceed single storey height.

Reason:-

In the interests of the openness of the Green Belt, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC45 and DC61

8. Non standard condition

The area set aside for staff car parking, as shown on the submitted site layout plan, shall be made available for the accommodation of staff vehicles only and shall not be used for any other purpose for the duration of the use hereby approved.

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 the interests of the openness of the Green Belt. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC33 and DC45.

9. Non standard condition

All trade and goods vehicles shall be parked behind, or to the west of, the security fence shown on the submitted site layout plan.

Reason:-

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

10. Non standard condition

The area set aside for customer car parking, as shown on the submitted site layout plan, shall be made available for the accommodation of customer vehicles only and shall not be used for any other purpose for the duration of the use hereby approved.

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 the interests of the openness of the Green Belt. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC33 and DC45.

INFORMATIVES

1 Informative - Reason for Approval

INFORMATIVE:

Reason for Approval:

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It is considered that the proposal would constitute inappropriate development in the Green Belt therefore very special circumstances are required to justify the proposed development. The factors constituting very special circumstances for the previous two applications are judged to still apply in this case. However, as the operator has continued to breach planning controls at the site and has failed to maintain the site in a visually acceptable manner, it is considered that a permanent planning consent should be withheld at this time.

It is recommended that a temporary planning consent of two years be granted to give the applicant and the landowner the opportunity to significantly improve the appearance of this prominent, Green Belt site. The recommendation is considered to represent a compromise between, on the one hand, allowing the operator to continue his business and keeping the site in active use, and on the other hand, seeking a substantial improvement of the site's appearance, which is currently considered to be unacceptable. If a scheme for substantially improving the site's appearance does not come forward within the period of two years, then it is considered that any future proposals to continue the existing use should be refused.

Subject to the conditions imposed on the previous consent, where appropriate, being imposed in this case, along with any additional conditions as discussed earlier in this report, it is considered that the proposal would be acceptable for a temporary period of one year. The proposal is considered to be acceptable having had regard to Policies DC22, DC32, DC33, DC45, and DC61 of the LDF, and all other material considerations.

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

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APPLICATION NO:	P0976.12	
WARD :	Pettits	Date Received: 2nd August 2012 Expiry Date: 27th September 2012
ADDRESS:	24 Greenock Way Romford	
PROPOSAL:	Two storey side and rear extension, single storey front extension	
DRAWING NO(S):	JCC2 JCC1 JCC3	
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 on the grounds of impact on the streetscene, size and mass.

SITE DESCRIPTION

The application relates to a two storey, hipped roof, semi-detached house with a garage to the rear with one off-street parking space available to the front of the garage. The ground level rises slightly to the left (west) of the property.

DESCRIPTION OF PROPOSAL

The proposal is for a two storey side and rear extension and a single storey front extension.

A canopy roof is provided to the pair of semi-detached houses, of which the subject dwelling forms one half, which extends over the front bays and front door. The subject dwelling has enclosed the front door creating a porch. It is now intended to construct a porch which will be 2.5m wide by 1.4m deep from the main front wall of the property. It will be provided with a hipped roof 3.7m high.

At the side of the property a 3.6m wide extension is proposed which, at ground floor, will project 600mm forward of the main front wall of the property to align with the front bay projection and at first floor level will be setback 1m from the main front wall. A 7.4m high hipped roof will be provided over with a 3.9m high, mono-pitched roof constructed over the ground floor element.

The side extension will project 2.7m beyond the original rear wall of the property to achieve a width of 6m when viewed in the rear elevation with a hipped roof 7.4m high.

RELEVANT HISTORY

P0630.12 - Two storey side and rear extension, single storey front extension - Refused, for the following reason:

The proposed development would, by reason of its width, bulk and mass and its corner location, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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CONSULTATIONS/REPRESENTATIONS

Consultation letters were sent to eleven local residents. Six letters of objection have been received plus a petition with 31 signatures from 19 of the 27 properties in Greenock Way.

Objections are summarised below:

- * The only difference between this application and the earlier, refused application is the shape of the roof and the slight increase in distance between the flank wall and the boundary of the site;
- * The writers' reiterate their previous objections that the increase from a three bedroom dwelling to a five bedroom dwelling is gross over-development of the site which is out of character in the area;
- * Although in theory two parking spaces exist, in practice this cannot be achieved. The applicant has already had to ask for neighbours' vehicles to be moved to enable access to the rear garage. If this application is granted planning permission, existing parking problems will be made worse;
- * The proposed development will change the whole look of Greenock Way;
- * No.25 will automatically have all sunlight blocked at the rear of their house and will have a problem selling their property in the future;
- * The estate was built upon clay and with major extensions of this size it could cause serious problems to the existing houses;
- * This development will enlarge a house to be sold for extra money or leased out privately or for DSS use;
- * Deprivation of light,; disproportionately high property value; uncertainty about eventual use of the property; likely excessively long development period; increased road traffic; irregular hours;
- * Although the new proposed extension is smaller than the proposal, it will actually appear to be bigger. It is self-evident that an extension that has a greater area in plan than the parent building cannot possibly be regarded as subordinate to it;
- * Almost doubling the size of No.24 will radically and irretrievably alter the balance between the two houses;
- * A number of irregularities have been noted in the planning process related to this second proposal regarding the failed delivery of neighbour notification letters, inability of a neighbour to be provided with sets of plans for each application which seems to the writers to be highly suspicious.

In response to these comments, loss of property value, increased value of the subject dwelling and any future rental of the property are not valid planning considerations that can be taken into account during assessment of the proposal.

To ensure that neighbours were notified of the application, a second set of neighbour notification letters were delivered by hand by Staff.

RELEVANT POLICIES

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Supplementary Design Guidance (Residential Extensions and Alterations).
Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies
Development Plan Document.
London Plan (adopted 2011), Policy 7.4 - Local Character and Policy 7.6m - Architecture

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

A previous application, reference P0630.12, was refused planning permission on 10th July 2012. The proposed development was similar but larger. The difference between that scheme and the one now under consideration is itemised below:

1. The proposed side extension will be reduced in width from 4.35m to 3.6m.
2. The first floor to the side will be setback 1m from the main front wall of the property instead of 600mm;
3. A lower hipped roof is provided over this element;
4. The depth of the extension at both levels to the rear will be 2.7m with a hipped roof provided over rather than twin hipped roofs.

The acceptability of these changes will be discussed below.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Greenock Way is a fairly narrow, roughly "T"-shaped cul-de-sac which comprises two storey properties. No.24, the subject dwelling, occupies a prominent corner position.

No objection is raised to the proposed front porch element of the proposal. This is considered to be modest in nature and will relate satisfactorily to the dwelling.

No objection is now raised to the two storey side/rear extension which complies with Guidance, which advises that the symmetry of semi-detached houses and the spacing between pairs are important considerations for side extensions. Side extensions should be subordinate to the existing dwelling to ensure they do not unbalance a pair of semi-detached properties. The side extension has now been reduced in width and setback a full 1m from the main front wall of the dwelling at first floor level. In all, the development is considered to have a subservient appearance that will not unacceptably unbalance the appearance of this semi-detached pair of properties.

It should be noted that the attached neighbour, No.25, will not be able to extend in a similar manner due to site constraints. However, this is the case for many pairs of semi-detached properties in the borough and is not a reason, in isolation, to refuse planning permission.

Guidance goes on to say that in regard to two storey extensions to corner properties, where a side extension is to be combined with a two storey rear extension, a particularly sensitive approach should be adopted in view of the generally greater impact on the street scene.

The flank wall of side extensions to corner properties must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain the building line. In this instance, a 2.4m separation from the side boundary will be maintained, although it is noted that the side extension will project forward of the front building line of the properties to the rear of the site in

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Greenock Way.

Research of Council records has revealed that planning permission was granted in 2005 for a two storey side extension to No.37 Helmsdale Road nearby which is a corner property on the junction of Greenock Way and Helmsdale Road. Although separated from the side public highway by about 2.85m, the side extension also projects forward of the front building line of properties in Greenock Way. Seen in this context, staff consider that such an arrangement is not out of character with its surroundings or unduly obtrusive in the street scene.

Further comparison with No.37 reveals that the subject dwelling has a width of 6m and the proposed extension is to be 3.6m wide whereas No.37 Helmsdale Road has a similar width of 6m with the side extension 4.18m wide. Additionally, the two storey element to the rear of No.37 is 6.55m wide as opposed to 6m in this proposal, although the depth is less at 1.35m instead of 2.7m.

Turning to the rear of the property, at a width of 6m, the extension is considered to now relate better to the property and the single hipped roof is more appropriate.

Having regard to the constraints of the site and its surroundings, Staff consider the proposal as revised addresses previously raised street scene concerns and now meets the spirit of guidelines. No objections are thus raised to the development from the visual impact point of view.

IMPACT ON AMENITY

The existing 2.1m deep conservatory extension which is to the full width of the property at present, will be retained in part close to the attached neighbours' (No.25) boundary.

In respect of No.25, who is set to the east, it is considered this neighbour will not be unreasonably affected by the proposed two storey side/rear extension as it will only be 2.7m deep (which falls within Guidance) and a 3.7m separation from the common boundary will be maintained which also falls within Guidance, which advises a minimum 2m separation. The proposed front porch extension will not affect this neighbour either.

No other neighbouring properties will suffer any direct loss of amenity due to the subject dwelling's corner location.

HIGHWAY/PARKING

Two additional bedrooms will be provided to the property as a result of the development but two off-street parking spaces are available at present which comply with Policy DC33. No highway issues therefore arise.

KEY ISSUES/CONCLUSIONS

For the reasons given above, the proposal is considered to be in accordance with the aims and objectives of the above Policies. Approval of planning permission is therefore recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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1. SC4 (Time limit) 3yrs

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. SC08 (Garage - restriction of use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:-

To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

3. SC10 (Matching materials)

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

Reason:-

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

4. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice).

Reason:-

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

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.

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

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APPLICATION NO:	P0997.12	
WARD :	Gooshays	Date Received: 22nd August 2012 Expiry Date: 17th October 2012
ADDRESS:	Springfield off Church Road Noak Hill Romford	
PROPOSAL:	Variation of Condition 3 of P1228.07- retain the use of the land for the stationing of up to 2 caravans and a shower facility on a permanent basis for Gypsy/traveller family	
DRAWING NO(S):	Block Plan 1:500; location plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

SITE DESCRIPTION

The site, which amounts to 900m² lies within an area of Green Belt land to the north of the main residential areas of Harold Hill. The site lies at the end of an unmade road off Church Road which culminates at Mariecot Bungalow. The application site forms one of four fenced plots containing three other caravan pitches.

At the time of the site visit there was one mobile home and a utility building within the site which has a gravel access track and grassed areas. There is a parking area large enough for 4-5 vehicles, including the proposed touring caravan.

The surrounding area is generally open and includes a number of other gypsy/traveller sites and grazing paddocks.

DESCRIPTION OF PROPOSAL

This is an application for the variation of a condition attached to approval P1228.07. The request is to remove the time period to enable permanent use as a Gypsy/traveller pitch. The pitch contains one static caravan (mobile home), one touring caravan and one shower/wash facility together with a septic tank.

The relevant condition is Condition 3: "The use hereby permitted shall be carried on only by Ms Linda Smith and her children; and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter. Reason: Permission is granted for a period pending the allocation of sites in a future development plan document (DPD) on gypsy and traveller sites and in recognition of the particular circumstances of the applicant."

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

- the applicant has gypsy status
- she has 3 children; two of whom who are schooled locally at Ardleigh Green College and at Stapleford Abbots School
- there are insufficient sites to meet Gypsy/Traveller needs in the Borough and in Greater London/Essex generally
- The Main aim of the Planning Policy for Traveller Sites is to encourage self-provision and address the need to provide more sites in suitable places
- The local Council has failed to identify land suitable for gypsy/traveller sites in the 5 years since

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approval was granted on a temporary basis. Families should not be put to the trouble and expense of renewing permissions. This failure is a matter capable of carrying significant weight especially when all sites are in the Green Belt

- The application site have been put forward for inclusion in a site allocation DPD

RELEVANT HISTORY

P0022.10 - Variation of Condition 3 of P0398.06 to allow continued occupation by gypsy family.

Apprv with cons 11-03-2010

P0940.09 - Change of use of land to residential use for two gypsy families

Apprv with cons 08-10-2009

P1228.07 - Change of use of land for stationing of one residential caravan and one touring van with associated works including hardstanding, fencing, amenity unit and septic tank for occupation by single Gypsy family (retrospective).

Apprv with cons 22-08-2007

CONSULTATIONS/REPRESENTATIONS

21 nearby and neighbouring properties were notified. A press notice was placed in a local newspaper and a site notice was posted. Two letters were received (one with no postal address) raising objections to the proposal on the grounds that:

- serious antisocial behaviour
- Police involvement with some people living in Church Road
- Fear of attacks by permanent occupiers
- its Green Belt Land
- the soakaways cannot cope
- problems for local people
- problems for wildlife
- insufficient on site parking resulting in nearby fields being parked in
- general increase in scrap vehicles such that the local area/scenery is being spoilt
- regular burning of scrap
- unacceptable noise levels, particularly caused by vehicles speeding along the access road
- general abuse/uncaring of owned animals causing danger to motorists
- increase Police presence

RELEVANT POLICIES

Gypsy and Traveller Sites DPD:Proposed Submission Document

LDF

CP14 - Green Belt

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

DC8 - Gypsies and Travellers

OTHER

LONDON PLAN - 7.16 - Green Belt

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 8.3 - Community infrastructure Levy

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OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for upto two caravans, a utility building and a septic tank. No new floorspace is proposed and therefore there is no CIL Liability.

STAFF COMMENTS

The main issues are the principle of the development, its impact on the open character of the Green Belt, impact on visual amenity and on residential amenity, parking and servicing.

BACKGROUND

In 2007 planning permission was granted for 5 years with the expectation that the DPD on Gypsy/Travellers would be adopted by the latest in 2010. However, the DPD has not progressed as quickly as originally anticipated and, while the draft has been out to consultation, the results of consultation are awaited together with the Examination in Public (EIP) before it can be adopted. It is expected that the EIP will take place in 2013 and that adoption could then take place in early 2014 at the latest. This will depend to a degree on the Planning Inspectors response following the EIP. Nonetheless the DPD has identified sites including the application site as one where proposals for development for 1 pitch may be acceptable (Policy GTS2: Church Road).

PRINCIPLE OF DEVELOPMENT

The original application included a statement supporting the status of the applicant as a gypsy. Staff accepted this and this has been stated again. This is not disputed.

Policy DC8 indicates that permission will only be granted for gypsy/traveller sites provided criteria are satisfied. In relation to sites proposed within the Green Belt the Policy indicates that in addition, they "will only be acceptable in exceptional circumstances and where through their design, layout and landscaping they minimise its impact on the openness of the Green Belt, do not prejudice the purposes of including land in the Green Belt, do not prejudice the recreational usage of the Green Belt or involve the loss of high grade agricultural land."

Policy DC45 indicates that "Planning permission for development in the Green Belt will only be granted if it is for the following purposes:

- agriculture and forestry, outdoor recreation, nature conservation, cemeteries
- mineral extraction provided policies in the Council's Local Development Framework are complied with
- Park and Ride facilities provided that the criteria in Annex E of PPG13 are met.

Planning permission for new buildings will only be granted for the following purposes:

- they are essential for the uses listed above; or
- they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46

The NPPF indicates that new development is inappropriate unless it falls within specified categories. The proposal for the residential use and stationing of mobile home/caravan(s) at the application site is not an appropriate use.

Government Guidance in Planning Policy for traveller sites which is to be read in conjunction with the NPPF, states at paragraphs 14 and 15 that "Policy E: Traveller sites in Green Belt 14. Inappropriate development is harmful to the Green Belt and should not be approved, except

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in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

15. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only."

The draft 'Gypsy and Traveller Sites DPD: Proposed Submission Document' states that The Council have identified sites to accommodate a total of 62 pitches to meet the need in Havering. The aim of proposed Policy GTS1: Provision of Permanent Gypsy and Traveller Pitches is "to ensure that gypsies and travellers who were living in Havering at the time of the Issues and Options Report have the opportunity to occupy, with permanent planning permission, pitches on sites in the borough." Church Road (CR9) - the application site - is identified as being allocated for the provision of Gypsy and Traveller Pitches. Proposed Policy GTS2: Church Road indicates that the application site should contain 1 pitch.

In principle the proposed development would be inappropriate development in the Green Belt. The NPPF indicates at paragraph 88 that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." In line with the NPPF/Planning policy for traveller sites, a very special circumstances case must be made for development to be considered as an exception to policy. The special circumstances case is considered below, nonetheless other material planning issues are first considered to identify if any other harm arises.

GREEN BELT IMPLICATIONS

The proposal is for upto two caravans and includes a utility block/shower facility. There is also a large hardstanding area. It is therefore considered that the proposal would result in some harm to the open character of the Green Belt.

This site is part of a larger group of gypsy/traveller pitches which is considered to result in a significant impact on openness of the Green Belt given the number of pitches and outbuildings, including stable blocks associated with the Church Road Pitches.

DENSITY/SITE LAYOUT

Policy DC8 sets criteria for the acceptability of permanent gypsy and traveller sites. The site has an acceptable access which also serves other gypsy pitches and there is adequate room within the site for the number of caravans proposed, the shower facility and for the parking and turning of vehicles. The site is provided with the necessary services. There are no proposals for mixed use and the commercial use of adjoining pitches is restricted by condition. Similar restrictions could be applied in this case.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application site is located approximately 240m from the highway, Church Road. Given that the proposal comprises caravans and a single-storey utility block, it is not considered that there would be any impact in the streetscene.

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Landscaping has been proposed around the outer boundary to augment that already existing. This could again be secured by condition. Given the single-storey nature of the development and that it would be located behind a green screen in relation to Mariecot Bungalow, it is considered that the proposal would not have any significant impact on the garden environment.

IMPACT ON AMENITY

The nearest residential property is that at Mariecot Bungalow which is located directly adjacent to the northern boundary of the application site. There is a very strong green screen to this shared boundary such that the application site is not visible to the residents of this property.

Concern has been expressed regarding the behaviour of some residents who live in Church Road. The concerns raised appear to be general and according to the representations received, are being dealt with by the Police, who are the authority to deal with crime.

HIGHWAY/PARKING

The proposal would provide at least 2 parking spaces which would meet the requirements for residential properties in this part of the borough.

The supporting statement indicates that, among others, refuse collections are required by the Caravan Site Licence and CLG Guidance. The document indicates that these are either provided/capable of being provided.

OTHER ISSUES

SPECIAL CIRCUMSTANCES CASE:

The applicant has submitted a very special circumstances case which comprises the points listed below:

- the applicant has gypsy status
- she has 3 children; two of whom who are schooled locally at Ardleigh Green College and at Stapleford Abbots School
- there are insufficient sites to meet Gypsy/Traveller needs in the Borough and in Greater London/Essex generally
- The Main aim of the Planning Policy for Traveller Sites is to encourage self-provision and address the need to provide more sites in suitable places
- The local Council has failed to identify land suitable for gypsy/traveller sites in the 5 years since approval was granted on a temporary basis. Families should not be put to the trouble and expense of renewing permissions. This failure is a matter capable of carrying significant weight especially when all sites are in the Green Belt
- The application site has been put forward for inclusion in a site allocation DPD

Staff Response: Inappropriate development can be justified if there are very special circumstances sufficient to override the harm that would be caused to the openness of the Green Belt. The lack of available sites in the area can amount to very special circumstances, especially where there is an identified need. The Council no longer provides any gypsy sites and a recent needs assessment has identified a need for about 30 pitches to meet current needs, over and above the need to legitimise occupied pitches on unauthorised sites. The development would also accord with the requirements of Policy DC8 for Gypsy/Traveller accommodation in the Borough.

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Therefore, whilst the development is inappropriate in the Green Belt and unacceptable in principle, the lack of suitable sites to meet an identified need and that this site has been specifically identified in the DPD as being a site which could be considered for permanent gypsy/traveller use, is considered, along with the personal circumstances identified above, to outweigh the presumption against new development in the Green Belt.

However, the DPD has yet to be adopted and the final document may differ from that currently proposed. While in normal circumstances temporary consents should not be granted again and again, given that the DPD is now well advanced, it is reasonable that temporary consent is granted until such a time as this document is adopted. It is expected that the DPD could be adopted by early 2014 and, in line with the applicant's fall-back position of requesting temporary consent if permanent consent is not forthcoming, it is considered that a 2 year temporary consent would be sufficient.

KEY ISSUES/CONCLUSIONS

The proposal is for the stationing of a gypsy caravan, touring caravan, cess pit, utility building and hardstanding on a pitch in the Green Belt. The proposal is inappropriate development, by definition harmful to the Green Belt. It is also considered that the proposal would result in harm to the open character of the Green Belt but otherwise would have an acceptable impact.

Given that the draft DPD does identify the application site for possible permanent Gypsy/Traveller use but is not yet adopted and could be subject to change it is considered appropriate in the circumstances to attach a condition granting temporary consent for a further 2 years.

RECOMMENDATION

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

5. S SC11 (Landscaping)

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from 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 Unitary Development Plan policy ENV1.

7. S SC32 (Accordance with plans)

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

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1. Non standard Condition

This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers.

Reason:

Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering.

2. Non standard condition

The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans or camper vans at any time, of which no more than one shall be a static caravan or mobile home and a shower block.

Reason:

To protect the amenities of the area and maintain the open character of the Green Belt

3. Non standard condition

The use hereby permitted shall be carried on only by Ms Linda Smith and her children; and shall be for a limited period being the period of 2 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

Reason:

Permission is granted for a period pending the allocation of sites in a future development plan document (DPD) on gypsy and traveller sites and in recognition of the particular circumstances of the applicant.

4. Non standard condition

No commercial activities shall take place on the land, including the storage of materials.

Reason:

To protect the amenities of the area and the openness of the Green Belt

6. Non standard condition

When the premises cease to be occupied by Ms Linda Smith and her children, or at the end of the 2 years of this permission, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the premises in connection with the use shall be removed and the land restored to its former condition.

Reason:

To protect the amenities of the area and the open nature of the Green Belt

INFORMATIVES

1 **INFORMATIVE - REASON FOR APPROVAL**
INFORMATIVE:

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Reason for approval:

The proposed development is considered to be inappropriate development in the Green Belt, however, as a matter of judgement it is considered that the unmet need for gypsy and traveller sites, together with the particular needs of the applicant, amount to the very special circumstances necessary to justify a departure from government guidance in NPPF, Policy DC45 of the LDF Core Strategy and Development Control Policies Submission DPD and the draft Gypsy and Traveller Sites DPD: Proposed Submission Document. The development would otherwise be in accordance with Policy DC8 of the LDF Core Strategy and Development Control Policies DPD. Temporary permission is granted to meet these needs until the Gypsy and Traveller Sites DPD is adopted.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 November 2012

Subject Heading:

**P1020.12 – 69 Oldchurch Road,
Romford**

**The demolition of existing warehouse
and office and the construction of 34
flats in two blocks with underground
parking and 2 semi-detached houses.**

(Application received 16 August 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 planning application relates to the demolition of an existing industrial building and a residential development of 34 flats and 2 houses. The planning issues include the principle of development, design and street scene impact, parking and highway matters, amenity issues, sustainability and affordable housing. These issues are set out in detail in the report below. 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 it be noted that proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a combined internal gross floor area for the two dwellings and 34 flats of 3529m² minus the existing floor area to be demolished of 1846.16m², which equates to a total area of 1682.84m² and a Mayoral CIL payment of £33656.80.

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 provision on site of 8% of the units within the development as affordable housing in accordance with Policy DC6 of the LDF Development Control Policies Development Plan Document.
- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.
- A financial contribution of £216,000 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, and that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out below PROVIDED THAT an independent economic viability assessment of the proposal commissioned by the Council confirms the appropriate level of affordable housing provision at 8% of the dwelling units and that should the assessment result in a different percentage of affordable housing provision that the proposal be remitted to a subsequent meeting of the Committee for further consideration and resolution. :

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 34 No. off-street car parking spaces for use by the flats and 4 No. spaces for use by the 3-bed and 2-bed dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:-

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

area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32 of the LDF.

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) Boundary Treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently 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) Sustainable Homes Rating: No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason:

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

19) Renewable Energy System: The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason:

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

20) Site drainage: Details of the site drainage system shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason:

To prevent pollution of the water environment.

21) Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason:

In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

22) Archaeological work: 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: In order to comply with the requirements of Policy DC67 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval (assuming the independent assessment of viability of the proposed development confirms the provision of 8% of dwelling units affordable housing units being appropriate):

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC50, DC51, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.7, 3.8, 3.11, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 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 located to the southern side of Oldchurch Road and to the east of Oldchurch Rise. The site comprises two distinct parts, the first part fronts onto Oldchurch Road and lies between nos. 67 and 73. This part of the site is presently open and used for parking. The second part of the site comprises a larger rectangular parcel of land which runs to the rear of nos. 65 to 83 Oldchurch Road. This part of the site is occupied partly by a large warehouse building and partly by an area of hard surfacing.
- 1.2 To the south the application site is adjoined by a public car park with the Romford Ice Rink beyond. To the east the site is adjoined by Blade Court a flatted block of 42 units which fronts onto the roundabout of Oldchurch Road and Rom Valley Way. The northern boundary of the site adjoins the rear gardens of nos. 65 to 83 Oldchurch Road, which comprise two storey semi detached and terraced houses. To the west of the site on the opposite side of Oldchurch Rise, is Oldchurch Park and land associated with the Queens Hospital.

2. Description of Proposal

- 2.1 The application seeks planning permission for the demolition of the existing building on the site and its replacement with a residential development comprising 34 flats in two blocks and two semi-detached houses.
- 2.2 The proposal would comprise 9 no. one bedroom flats, 25 no. two bedroom flats and 1 no. three bedroom house and 1 no. two bedroom house. Access into the development would be taken from Oldchurch Rise. The development would provide parking at surface level and underground at a rate of 1.15 spaces per flat and two spaces per house with two visitor spaces.
- 2.3 The proposed flats would be provided in two separate blocks on the part of the site located to the rear of nos. 65 to 83 Oldchurch Road. Block A would provide 10 flats, with block B providing 24 flats. Block A would be situated adjacent to Oldchurch Rise in the western part of the site. The proposed block would measure approximately 24 metres in width by 21 metres in depth. The block would be of varying storey heights ranging from one to

three storeys. The single storey elements would have a maximum height of 3 metres, with the three storey elements having a maximum height of 8.5 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. A distinctive pattern throughout the development is the addition of coloured vertical strip features.

- 2.4 Block B would be situated in the eastern part of the site adjacent to the car parking of the neighbouring Blade Court flatted block. The block would measure 35 metres in width by 26 metres in depth. The block would be of varying storey heights ranging from two stories to four stories. The two storey elements of the block would be 6 metres in height with the five storey element reaching a maximum height of 12 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. The areas at the base of the proposed blocks would provide communal amenity space.
- 2.5 The proposed pair of semi detached houses would be provided fronting onto Oldchurch Road on the land between nos. 67 and 73. The houses would have conventional rear garden areas with surface car parking beyond. The proposed houses would measure 8.4 metres in width by 10.3 metres in depth, with a pitched roof over 5 metres in height to the eaves and 8.15 metres to the ridge. The proposed pair of houses would be connected to an existing terraced block, of similar design to the adjoining houses, with two bay window features to the front elevation. The proposed pair would therefore be seen as an extension to the terrace rather than a semi-detached pair of dwellings. The houses would be finished with facing brickwork and roof tiles.
- 2.6 This application follows a previous outline application which was approved but withdrawn due to a failure to sign the S106 agreement. The current proposal is slightly different from the previous submission in that the internal space has been arranged in a different way to provide for mainly 1-bed and 2-bed units as opposed to the previous scheme which included 3-bed units. Another change is the layout and design of the two semi-detached dwellings proposed. The applicant has also significantly reduced the affordable housing provision from 35% (13 units) to 8% (3 units).

3. Relevant History

- 3.1 P0586.09 - Outline application for demolition of existing warehouse and office, construction of 34 flats in two blocks with underground parking and two semi-detached houses - Approved but withdrawn due to the failure to complete a S106 agreement.
- 3.2 P1980.08 - Outline planning application for demolition of existing warehouse and office, construction of 35 flats in two blocks with underground parking and two semi-detached houses - Refused

4. Consultations/Representations

- 4.1 Notification letters were sent to 78 neighbouring properties and 1 letter of objection was received.
- 4.2 The main concerns relates to the overdevelopment of this part of the Borough and the increase in traffic congestion that it would bring about.
- 4.3 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 also requested a noise insulation and construction and delivery hours condition.
- 4.4 The Highway Authority has no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor did raise concerns regarding certain elements discussed with the applicant which is not reflected on the plans. A Secured by Design condition is requested to deal with any outstanding issues.
- 4.6 English Heritage requests a condition securing the implementation of a programme of archaeological works.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), 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 3.11 (Affordable Housing Targets), 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential 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) and 8.3 (Community Infrastructure Levy) 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 more than two dwellings. 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. The Council will generally require the redevelopment for housing of commercial sites which become available for development.
- 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 61m² for a 2-bed 3-person flat and 50m² for a 1-bed 2-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable. For the two semi-detached houses the Mayor has set the minimum internal space standards at 83m² for a 2-bed 4-person dwelling and 96m² for a 3-bed 5-person dwelling. The proposed dwellings are in line with these minimum guidelines and considered acceptable.
- 6.2.4 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The majority of the site is presently occupied by a warehouse building. The site is located within a predominantly residential area, with the existing use of the land for commercial purposes being somewhat out of character. The proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the surroundings. 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.
- 6.2.5 As the site has a history of commercial use, it is likely that land contamination could be present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with via condition.

6.3 Density and Site Layout

- 6.3.1 The application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 5-6), with the density recommendation being 165-275 units per hectare. The proposed development of 36 units represents a density of 107 units per hectare based on the red line site area or 121 units per hectare if the site area of the two proposed semi detached houses is deducted. This is clearly below the recommended density range but may not be unacceptable given the constrained nature and location of the site. Furthermore, the advised density ranges are one of number of criteria employed to assess the appropriateness of a proposal.
- 6.3.2 In terms of site layout, the proposed development has a lesser overall footprint than the existing industrial buildings. This enables the proposed blocks to be positioned further from the northern site boundary than the existing building. This, in turn, is considered to create a relatively spacious setting for the development with a separation distance of between 10.5 and 20 metres being created from the northern boundary. There is also the opportunity to provide landscaped areas around each of the flatted blocks and the access road. Staff therefore consider the development to have a reasonably spacious setting.
- 6.3.3 It should be recognised however that the site is situated in a high PTAL zone where the provision of amenity space is likely to be at a reduced level. The development provides a landscaped area of 700 square metres in addition to further areas of landscaping adjacent to the access road which provide setting for the proposed buildings. The amenity area is considered to be relatively spacious and is set out in conveniently useable form. Additionally there is some provision of external balconies within the development, which would add to the amenity provision. The site is situated adjacent to the entrance to Oldchurch Park, which would also contribute towards the amenity needs of future occupiers of the development. Staff consider the amenity space provision acceptable.
- 6.3.4 To the south the site is adjoined by a public car park with open space beyond which forms part of the Romford Ice Rink grounds. The ice rink site is Council owned and it is envisaged that the site may be redeveloped to provide a mixed use development of housing, a foodstore and a petrol filling station. Given the distance of separation between the proposed blocks and the ice rink site, it is not considered that the proposal would prejudice the redevelopment of this land.
- 6.3.5 The layout of the proposed blocks would include main entrance doors from the new access road, with level access and double width doors. In order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes, a planning condition is recommended.

6.4 Design and Visual Impact

- 6.4.1 The proposal includes the construction of a pair of semi-detached houses on land between nos. 67 and 73 Oldchurch Road, fronting onto Oldchurch Road. The surrounding properties in this part of Oldchurch Road are two storey semi detached or terraced houses. Staff are of the view that the proposed pair of semi detached houses would be of a suitable form and external appearance. It is considered that the proposed houses would satisfactorily integrate into the street scene.
- 6.4.2 The proposed flatted blocks have been designed as a predominantly three and four storey development, although the visual impact of this is mitigated by the flat roof design and use of contrasting external materials. The proposed flatted blocks would, for the most part, be of greater height than the current industrial building on the site. However, the overall height of the blocks would not exceed that of the adjacent Blade Court, which is a five storey building. Blade Court has been designed in such a way to address the road junction at Rom Valley Way and follow the curvature of the roundabout. The proposed development is considered to be different to this development in that the site does not form a frontage location and, instead, amounts to a type of 'backland' development to the rear of existing houses. The proposed development would however be visible from Rom Valley Way across the open land to the front of the Ice Rink and from Oldchurch Rise. Block A is considered to be acceptable in terms of siting and design. Block B would comprise a predominantly four storey building. The block has been designed in such a way that it steps down in height to two storeys at the point closest to the rear of Blade Court and nos. 65 and 67 Oldchurch Road. Having regard to the design of the proposed blocks and the height of the adjacent Blade Court, the overall height and bulk of the proposed buildings is not considered to be materially out of scale and character with the surroundings.
- 6.4.3 The proposed development would be visible along Oldchurch Rise, which serves as a secondary access point to the Queens Hospital. Block A would be set back between 3 and 12 metres from the boundary of the site onto Oldchurch Rise, which mitigates its overall impact in the street scene. Staff are of the view that the proposal would result in an improved visual relationship to Oldchurch Rise which is presently characterised by the existing building of industrial appearance tight to the back edge of the footway.
- 6.4.4 In respect of the overall design and architectural style of the building, Staff consider that there is no distinctive architectural style in this part of Oldchurch Road. It is considered that the modern design of the development which consist of a mixture of different colours and types of materials would be acceptable in principle and would integrate with Blade Court and the Queens Hospital.
- 6.5 Impact on Amenity
- 6.5.1 To the north the site is backed on to by the rear gardens of dwellings in Oldchurch Road. In terms of bulk, visual impact and impact on light, the

proposed flatted blocks are judged to be sufficiently far from the site boundary not to result in significant harm to amenity. At the closest point, habitable room windows in block A would face the northern boundary at a distance of approximately 17 metres to the boundary and 30 metres back to back. In respect of block B, at the closest point, habitable room windows would face the northern boundary at a distance of 21 metres to the boundary and 31.5 metres back to back. Staff consider this to be an acceptable relationship in respect of issues of privacy.

6.5.2 The proposed development is considered to have an acceptable relationship with Blade Court, with a distance of 12 metres being achieved to the flank elevation of block B. At this point the building is two stories and gradually increases in height to a maximum of five stories. At the point where the building reaches four stories it would be at a distance of 21 metres from the main rear wall of Blade Court. In view of the distances of separation and the orientation of the proposed flatted blocks it is considered that no material harm to amenity would result.

6.5.3 Given the curved facade of block B some of the proposed window openings facing east would face towards the rear of Blade Court. These window openings would be separated by a distance of 23 metres at the closest point and be at an oblique angle which Staff consider would prevent significant inter-looking.

6.5.4 The depth of the proposed dwellings in relation to the adjacent houses is considered acceptable and would not result in an acceptable impact upon amenity.

6.6 Sustainability/Renewables

6.6.1 The proposed development aims to gain Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. In the event that Members were minded to grant planning permission this could be secured by condition to ensure the development attains this standard.

6.6.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO₂ emissions is met.

6.6.3 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures which staff consider would allow convenient kerb side collection. In the event that Members are minded to grant planning

permission a condition requiring further details in this respect could be imposed.

6.7 Highways / Parking Issues

6.7.1 Access into the site would be taken via Oldchurch Rise, with the vehicular crossover being situated in the same position as currently. The proposed access road into the site would join two ramps, each serving the underground car parks. A turning area for larger vehicles would be provided within the centre of the site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.

6.7.2 The development proposes a total of 44 parking spaces, which is a ratio of 1.15 spaces per flat, two spaces per house and two visitor spaces. The application site is located on the outskirts of Romford Town Centre in an area which is identified for high density development (PTAL 5-6). In view of this the proposed parking provision is considered to be acceptable and would accord with the density matrix in Policy DC2. Future occupiers could also be restricted from applying for parking permits through S106 agreement. The proposal includes cycle storage provision to accord with Policy DC36 and this would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site in relation to Romford Town Centre, that the parking provision is acceptable.

6.8 Affordable Housing

6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this current application a financial appraisal which in the applicant's view justifies the provision of 8% (3 units) affordable housing within the scheme. Negotiations are still ongoing in respect of this issue between the applicant and the Council's Housing department. The Council has commissioned an independent economic viability assessment of that provided to the Council by the applicant and this is the reason behind the wording of the recommendation.

6.9 The Mayor's Community Infrastructure Levy

6.9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on a combined internal gross floor area for the two dwellings and 34 flats of 3529m² minus the existing floor area to be demolished of 1846.16m², which equates to a total area of 1682.84m² and a Mayoral CIL payment of £33656.80.

6.10. Planning Obligations

6.10.1 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 £216,000.

6.11 Other Issues

6.11.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

6.11.2 The site is in a location which may potentially affect the flight path of helicopters using the landing pad within the grounds of the adjacent Queens Hospital. The potential impact on the flight path is a material planning consideration and as such letters of consultation were previously sent for a similar planning application to the Queens Hospital, the London Air Ambulance, the Essex Air Ambulance and the National Air Traffic Services. No objections were raised by any of these parties at the time.

7. Conclusion

7.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and subject to a financial contribution towards infrastructure costs, would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. At the time of writing this report issues in respect of affordable housing provision were still being negotiated. Subject to this matter being resolved, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement

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 16th August 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

15 November 2012

Subject Heading:

**P1047.12 – Land rear of 223-233
Brentwood Road, Romford**

Report Author and contact details:

**New development to create 9 No. four
bedroom detached houses (Application
received 7th September 2012)**

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for a new development to create 9 no. four bedroom detached houses. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Draft Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord

with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Agreement.

RECOMMENDATIONS

That the Committee note that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,390m² which equates to a Mayoral CIL payment of £27,800.

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

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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

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

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

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

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

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

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

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

6. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling

awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

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

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

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

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

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

9. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking on the approved plans shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

11. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority

making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

12. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A, B, C and E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

13. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing or other boundary treatment shall be provided prior to the first occupation of any of the houses

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.

14. Contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model);

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

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

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

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

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

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

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

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

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

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

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

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

17. Obscure glazing - The proposed first floor window on the western flank of Unit 1 as shown on the approved plans serving a bathroom shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: Heritage assets of archaeological interest survive on the site. The Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording) in accordance with recommendations given by the borough and in the NPPF.

23. Site levels - Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing

by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect neighbouring amenity.

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 1,390m² and amounts to £27,800.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP17, DC2, DC3, DC11, DC32, DC33, DC34, DC35, DC36, DC40, DC53, DC55, DC61, DC62, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Design and the Draft Planning Obligations Supplementary Planning Document. The proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.3 of the London Plan.

2. In aiming to satisfy condition 16 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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

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

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

6. Any statutory undertakers equipment requiring diversion due to the construction of the access into the development shall be diverted at the developers cost. As will the relocation or removal of any street furniture.

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

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 towards the north of No's 223 – 233 Brentwood Road and forms part of the rear gardens of these properties. The site measures 0.272 hectares and ground levels are generally level.
- 1.2 The surrounding area is mainly characterised by two storey residential dwellings towards the north, east, south and west. The land to the north of the site was formally a building merchants, which has recently been developed to provide 74 affordable residential units. The land to the north of the site has a ground level of approximately 2.5 metres lower than that of the application site. Approximately 40m north of the site is the Upminster – Romford railway line. South of Brentwood Road is the Frances Bardsley School for Girls.

2. **Description of development:**

- 2.1 The application seeks permission for a new development to create 9 No. four bedroom detached houses.
- 2.2 Four houses would be located adjacent to the northern boundary and five houses would be located adjacent to the southern boundary, which backs onto the rear gardens of dwellings in Brentwood Road with an access road in between.

- 2.3 The dwellings have different footprints, with a minimum and maximum width of 7 and 10 metres respectively. The dwellings have a minimum and maximum depth of approximately 11.6 and 15.6 metres respectively.
- 2.4 The dwellings have a mixture of hipped and part gabled, part hipped roofs. Units 1, 2, 3, 4 and 7 have a ridge height of 8.3 metres. Unit 5 has a ridge height of 8.75 metres. Units 6 and 8 have a ridge height of 8.1 metres. Unit 9 has a ridge height of 8.35 metres.

3. **Relevant History:**

- 3.1 Land rear of 223-227 Brentwood Road
P1041.11 - New development to create 7 No. houses comprising 2 no. four bedroom houses and 5 No. three bedroom houses - Approved.

P0628.11 - New development to create 7 No. houses comprising 2 no. four bedroom houses and 5 No. three bedroom houses - Withdrawn.

223-225 Brentwood Road

P1681.11 - Demolition of two semi-detached houses and creation of 9 No. apartments comprising 3 No. one bedroom units and 6 No. two bedroom units – Refused for the following reasons:

1. The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of privacy, poor outlook, noise, headlight glare, restricted internal area and failure to adhere to designing out crime principles. As a result, the development represents an overdevelopment of the site contrary to Policies DC2, DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.

2. The building would, by reason of its crown roof form, excessive depth and width, scale, bulk and mass, position close to the boundaries of the site, combined with the prominent corner location and open aspect of the site, appear incongruous, overbearing, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies DPD.

3. The proposed development would by reason of its undercroft parking area, including the windows on the western elevation, would appear incongruous with the streetscene contrary to Policy DC61 of the LDF Development Control Policies DPD.

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

5. In failing to deliver a high quality of design and layout through the deficiencies described in reasons 1- 4 above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.

6. The proposed 9 dwellings in conjunction with planning permission reference P1041.11 would cumulatively result in 16 dwelling units on the site in excess of the affordable housing threshold requirement of Policy DC6 of the LDF Development Control Policies DPD and Policies 3.12 and 3.13 of the London Plan. No affordable housing is proposed contrary to Policy DC6 of the LDF Development Control Policies DPD and Policies 3.12 and 3.13 of the London Plan.

7. In failing to deliver a high quality of design and layout through the deficiencies described in reasons 1- 4 above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.

4. Consultations/Representations:

4.1 The occupiers of 86 neighbouring properties were notified of this proposal. 17 letters of support were received and are broken down as follows:

6 letters of support were from No.'s 223, 225 and 227 Brentwood Road, the gardens of which form part of the application site. 9 letters of support were from other properties in Brentwood Road. 2 letters of support were from residents in Gidea Park.

4.2 Three letters of objection were received with detailed comments that have been summarised as follows:

- Queried the time frame for the works subject to planning permission being granted.
- Traffic and congestion.
- Parking.
- Queried as to when traffic regulators monitored the traffic in Francombe Close.
- Noise and dust.
- Fumes and smoke from burning paint cans on the site.
- The new build will not enhance the surroundings.
- Highly unsuitable location for a development of this number of sizeable properties.
- Disruption, smell and mess from building work.
- Building on gardens is undesirable.
- Highway safety.
- Access for emergency vehicles.

- The scale of the proposed development is excessive.
- Loss of trees in Francome Gardens.
- Devalue of property following the approval of planning application P1041.11.
- The proposal would be harmful to the character of the local area.
- Subsidence and pollution.
- Object to changing Francombe Close into a through road.
- Lack of visual interest as the proposed housing would be arranged in straight lines.
- Loss of light, privacy and overlooking.

4.2 In response to the above comments, conditions would be placed in respect of hours of construction and a construction method statement if minded to grant planning permission. Reduction in property value is not a material planning consideration. The remaining issues will be covered in the following sections of this report. There are no Tree Preservation Orders on the application site. Comments regarding noise, dust and disruption from building works are not material planning considerations.

4.3 Environmental Health - Recommend a condition if minded to grant planning permission.

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

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

5. **Staff Comments:**

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

5.2 Principle of Development

- 5.2.1 The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposal is acceptable in all other material respects.
- 5.2.2 Notwithstanding, Staff noted on site inspection and aerial photographs that the rear gardens of dwellings along this part of Brentwood Road (No.'s. 223 – 237) are excessive in depth measuring between 63m to 82m in depth. These rear gardens are significantly longer than those properties along Francombe Gardens and Marwell Close, directly west of the application site. In Staff's opinion, although these rear gardens provide a quality rear garden environment, due to their size, a new development can be accommodated without prejudicing its quality as a rear garden environment. The proposal would still leave a large proportion of rear garden environment which is arguably more manageable for future residents. It is not considered that the loss of part of these rear gardens will result in harm to the overall character of the area in terms of its value as rear garden land.
- 5.2.3 The proposal is further in accordance with Policy 3.5 of the London Plan which states that DPD policies should ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

5.3 Density and site layout

- 5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare in this location.
- 5.3.2 The proposal achieves a density of some 33 units per hectare on this 0.272 hectare site, which falls within the range of this density and is therefore acceptable.
- 5.3.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable.
- 5.3.4 The site currently forms part of the rear gardens of properties along Brentwood Road (No.'s. 223 – 233). The subdivision would result in the donor properties being left with rear gardens of approximately 16.5 – 20m in depth. Each new dwelling would have an amenity area measuring between 62 and 111 square metres. The gardens of the donor properties would remain towards the rear and appropriate screen fencing and landscaping can be secured by condition if minded to grant planning permission. The drawings

indicate that some of the landscaping, in particular the conifer hedging on the western boundary will be removed.

- 5.3.5 In Staff's opinion, appropriate fencing and landscaping can be required by means of a planning condition which would provide sufficient screening to the proposed amenity areas. The back-to-back relationship between dwellings along Brentwood Road and Units 5 – 9 will be a minimum of 23 metres and it is therefore not considered that there would be direct overlooking towards the proposed amenity areas of these dwellings.
- 5.3.6 No.'s 5 and 6 Francombe Gardens are two storey dwellings with windows facing east. The rear garden of Unit 1 would be approximately 18m from the rear of No. 5 Francombe Gardens. As such, it is not considered that there would be any potential for overlooking the amenity areas of Units 1 and 2.
- 5.3.7 Notice is given to the fact that the rear gardens would be smaller than the existing rear gardens of properties along Brentwood Road. Notwithstanding, the amenity areas are similar to those of more recent developments along Francombe Gardens and Marwell Close and therefore are not uncharacteristic of the area. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation. The amenity space provision is therefore considered to be consistent with the provisions of the Residential Design SPD.
- 5.3.8 It is considered that the proposed dwellings would not create any undue overlooking or loss of privacy, as there would be a front to front separation distance of between 7.8 and 13.8 metres between the front facades of Units 1-4 and Units 5-9.

5.4 Design/impact on street/Garden scene

- 5.4.1 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.
- 5.4.2 The proposal would be at the end of a cul-de-sac. The rear façade of Unit 5 would be approximately 44 metres from the junction of Brentwood Road and Francombe Gardens and units 1 - 4 would be to the rear of No.'s. 5 and 6 Francombe Gardens. Staff are of the opinion that the overall character and design of the proposal would not detract from the character of the local area. The detached dwellings would have a sufficient setback from Francombe Gardens and would not appear as an intrusive feature. It is considered that the layout, design and size of these dwellings are consistent with other

dwellings in the vicinity and therefore acceptable in this instance on the site and would not appear as prominent features in the street scene.

- 5.4.3 Units 5 - 9 would be more visible from Francombe Gardens as the flank wall of Unit 5 would be 1.4m from the site's western boundary and approximately 2.4m from the edge of Francombe Gardens. It is considered that the height of the dwellings would be similar to neighbouring properties. Staff are of the opinion that the bulk of the development would be visible within the newly created access road and as this proposal would present its flank wall to the existing street scene, it is not considered to appear overly bulky or intrusive in this location.
- 5.4.4 Staff acknowledge that the immediate vicinity is mainly characterised by detached and semi-detached dwellings. Therefore, it is considered that the overall scale, size and design of the detached dwellings would be an acceptable form of development in this location.
- 5.4.5 Some vegetation including the conifer hedging on the western boundary will be removed to accommodate the proposed development. Although this will give the site a more exposed appearance, conditions can be imposed requiring an appropriate level of replacement landscaping on the site, softening the appearance of the development.
- 5.4.6 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this rear garden environment and is therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

5.5 **Impact on amenity**

- 5.5.1 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.
- 5.5.2 Towards the west, Unit 1 would be closest to the neighbour at No. 6 Francombe Gardens. Unit 1 would have a flank to back relationship with this neighbour of approximately 22 metres at first floor level. Unit 1 would have a setback of approximately 2 metres at first floor level from the rear boundary of No. 6 Francombe Gardens. The roof has been designed to hip away from No. 6 Francombe Gardens reducing any potential impact. Given this relationship and design, it is considered that Unit 1 would not appear visually intrusive or overbearing on No.'s 5 or 6 Francombe Gardens. Unit 1 would introduce one flank first floor window on the western elevation, serving a bathroom. This window can be conditioned to be fixed shut and obscure glazed with the exception of top hung fanlights, preventing any potential for overlooking.
- 5.5.3 It is noted that the land to the north of the site has a ground level of approximately 2.5 metres lower than that of the application site, therefore,

Units 1-4 will occupy a higher ground level than the neighbouring dwellings in Loom Grove. An existing block plan was submitted showing the existing ground levels within the site. Another drawing is required showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings, which can be secured by condition if minded to grant planning permission.

- 5.5.4 Although Units 1-4 would occupy a higher ground level than the dwellings in Loom Grove, it is considered they would not result in a significant loss of amenity to the two storey dwellings located north of the application site, as their rear gardens provide a minimum and maximum separation distance of approximately 5.4 metres and 14.4 metres. In addition, there is an access road that serves the dwellings which abuts the northern boundary of the site and provides a further separation distance of between 3.2 and 6.4 metres. Given the separation distances outlined above, it is considered that the proposal would not result in any undue overlooking or loss of privacy to the neighbouring properties located north of the application site.
- 5.5.5 It is considered that Units 5 - 9 would not result in a significant loss of amenity to the two storey dwellings located south of the application site, as their rear gardens provide a minimum and maximum separation distance of approximately 6 metres and 10 metres. In addition, the rear gardens of No.'s 223 -233 Brentwood Road provide a further separation distance of between 16.6 and 19.6 metres. Staff consider this relationship to be adequate and would not prejudice the amenities of neighbouring occupiers. Given the separation distances outlined above, it is considered that the proposal would not result in any undue overlooking or loss of privacy to the neighbouring properties located south of the application site.
- 5.5.6 It is considered that Units 5 - 9 would not result in a significant loss of amenity to the two storey dwellings located west of the application site, as there would be a minimum and maximum separation distance of approximately 23.8 and 29.6 metres between the front façade of No.'s 219 Brentwood Road and 1 Francombe Gardens and the western flank of the nearest dwelling – Unit 5. Staff consider this relationship to be adequate and would not prejudice the amenities of neighbouring occupiers. Given the separation distances outlined above, it is considered that the proposal would not result in any undue overlooking or loss of privacy to the neighbouring properties located west of the application site.
- 5.5.7 Overall the proposal is considered acceptable in terms of its impact on neighbouring amenity. There would be no overlooking, overshadowing or any other harmful impact on the amenities of existing neighbours in the vicinity.

5.6 Highway/parking issues

- 5.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. Each dwelling has parking provision for two vehicles, which complies

with Policy DC2. Units 1, 5, 6, 7, 8 and 9 have integral garages and one space on hardstanding. Units 2 and 3 both have a garage and one space on hardstanding. Unit 4 has two spaces on hardstanding. Details of cycle storage will be secured by condition if minded to grant planning permission. The Highways Authority will not be seeking to adopt the access road due to the proposed width, although it has no objection to the proposals subject to conditions. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

6. Trees

- 6.1 There are no tree preservation orders on the site. Staff have no concerns regarding the removal of some vegetation and conifer hedging on the site. Details of landscaping will be secured by condition if minded to grant planning permission.

7. Archaeology

- 7.1 The site is located within an archaeological priority area specified in the London Borough of Havering's Local Development Framework SPD, occupying part of the extent of the medieval Thames gravels, a geology from where numerous prehistoric remains have been recovered. Iron age or Romano British field boundaries have been found 300m south on Osbourne Road and a possible contemporary building is identified 300m north east. Given the size of the proposals and what appears to be limited modern disturbance, hitherto unknown remains may be present at the site and be affected by the planned scheme.

- 7.2 A condition securing the implementation of a programme of archaeological works would be appropriate for any forthcoming consent. This would likely involve a trial trench evaluation of the site with any appropriate mitigation work subsequently informed by the evaluation results.

8. The Mayor's Community Infrastructure Levy

- 8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,390m² which equates to a Mayoral CIL payment of £27,800.

9. Planning Obligations

- 9.1 A Section 106 Legal Agreement is required to secure a financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.

10. Conclusion

- 10.1 The proposed residential use of the site is acceptable in principle. It is considered that the siting, design and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £54,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 7/9/2012.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.

4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

REGULATORY SERVICES COMMITTEE

15 November 2012

REPORT

Subject Heading:

P0907.12 – Moreland Care Home, 5 Manor Road, Gidea Park – Demolition of the original care home and construction of new 40-bed care home incorporating extensions and alterations approved under planning approval P1826.07 (received 24 August 2012)

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 Framework
None**

Financial summary:

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

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

SUMMARY

This report concerns an application for the demolition of original care home building and it's rebuilding to connect with the now built rear extensions to provide a 40-bed care home. A legal agreement is required due to the limited parking provided for the care home. Staff consider that the proposal would nonetheless accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

RECOMMENDATIONS

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

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

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

2. The premises shall be used for a care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. Before the building(s) hereby permitted is first occupied, the areas set aside for car parking as shown on drawing no. 12.108.PP.000 shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. 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.

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

6. 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.

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

Reason: To protect residential amenity.

8. 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
- a) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- b) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- c) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- d) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- e) 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.

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

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

10. Clear and unobstructed visibility sight lines shall be provided to the satisfaction of the Local Planning Authority in the position and for the distance shown on the approved plan. The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

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

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

12. 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.

13. The necessary agreement, notice or licence to enable the proposed alterations or additions to the Public Highway shall be entered into prior to the commencement of the development.

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

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

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

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

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

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

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

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

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

16. Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

17. Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

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

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

19. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved

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

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

20. A scheme to enable the satisfactory servicing of the care home shall be submitted to and approved in writing by the local planning authority prior to development commencing. This shall include details of areas designated for the loading, unloading and turning of vehicles. No loading or unloading shall take place from vehicles otherwise than within such areas. Servicing of the development shall not take place other than between 0700 and 1900 hrs Monday to Saturday, 0900 to 1700 Sundays. The approved scheme shall be implemented as required prior to the occupation of the development. Thereafter, the development shall be serviced in accordance with the approved scheme unless agreed in writing with the local planning authority.

Reason: In the interests of highway safety

21. Prior to the first occupation of the development hereby permitted, details of all external lighting to the care home shall be submitted to the Local Planning Authority, once approved in writing the external lighting shall be implemented in accordance with the approved details.

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

22. Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected to secure garden area of the care home 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 and in the interests of crime prevention.

23. Petrol/oil interceptors shall be fitted to the car parking areas and a fat trap fitted to the kitchen and non-return valves

Reason: To ensure that the development does not result in pollution to local watercourses and to prevent backflow during storm conditions.

24. Prior to the first occupation of the development hereby permitted, provision shall be made for the care home's storage of refuse and recycling awaiting collection which shall involve no more than 25m pulling distance from storage area to collection point with dropped kerb according to a detailed refuse and recycling collection plan which shall previously have been agreed in writing by the local planning authority.

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

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

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

26. No development shall be commenced until an Energy Statement has been 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 development. The statement shall demonstrate how the development will displace at least 20% of carbon dioxide emissions through on site renewable energy / low carbon technology above and beyond Building Regulation requirements. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. The renewable energy / low carbon technology system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Supplementary Planning Document on Sustainable Design and Construction and Policies 4A.7, 4A.8 and 4A.9 of the London Plan.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the flank walls of the building hereby permitted.

- Reason:** In the interests of residential amenity.
28. Before the use commences a waste management scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of waste storage, together with arrangements for waste disposal. All waste shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed by the local planning authority.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

29. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the local planning authority confirms in writing that the approved development is completed.

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

INFORMATIVES

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. The developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. The applicant is advised that two dry rising mains are required by the Fire Brigade. Please contact Ken Davies at ken.davies@london-fire.gov.uk for further details.

4. In aiming to satisfy condition 19, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

5. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC5, DC33, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the guidance in the National Planning Policy Framework.

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.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The amount payable would be £20 x 1,357 sq.m which totals £37,140.

REPORT DETAIL

1. Site Description

- 1.1 The L-shaped site comprises Moreland House, 5 Manor Avenue, an extended two-storey elderly person's care home located to the northern side of Manor Avenue and No.7 Manor Avenue, a two-storey residential property. Moreland House is currently registered to care for the elderly infirm and elderly infirm with dementia.
- 1.2 The combined site frontage to Manor Avenue is 34m, narrowing to 30m at the rear and having a depth of about 58m (to No.5) and 38.5m (to No.7). The site area is 0.195 hectares. There are two accesses to No.5 and an area of hardstanding providing parking for at least 5 vehicles. The access to No.7 is to a driveway leading to a single garage.
- 1.3 The surrounding area is residential in character of mainly two-storey detached and semi-detached properties. A church is located at the western

end of Manor Avenue at the Drill Roundabout off which are mainly commercial properties at ground floor level within the Local Centre. A flatted development is nearing completion on the corner of Manor Avenue and Slewins Lane.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the original care home and its reconstruction in accordance with details approved on appeal under P1826.07 (which also included the conversion of No. 7 Manor Road into a Nurses' Home) of which the rear extensions have been nearly fully completed. However, the applicant has decided that a better internal floorspace arrangement can be achieved by demolishing the frontage building rather than extending and altering it in accordance with the original approval. The proposal would provide the same 40-bedroom care home as the approval and would have the same dimensions and appearance as that previously approved on appeal. The proposal also includes the provision of 10 parking spaces and amenity space for the care home as well as the conversion of No.7 Manor Avenue as Nurses accommodation.
- 2.2 As previously, the proposal is for an increase from the original care home's 16 rooms (providing 21 bed spaces) to 40 single bedrooms. The rearward extensions would be 5.5/11m at ground floor level (limited due to existing single storey extensions), 12.4m/13.4m at first floor level and 13m/15m at second floor level. The side extension on three floors would be a maximum 3.5m wide, attaching directly to the existing garage at No.7 Manor Avenue. The ridge height would be increased from the existing 8.6/8.8m to just over 9m above ground floor level with the proposed pitched roof being an enlargement of the original into front and rear roof slopes with an intervening flat roof of 14m in depth deep. The original front gable would appear increased in height with a new three-storey gable added to the western half to match this. Three dormer windows would be inserted in the front roof slope. The side elevations would be gabled. There would be two, three-storey gables to the rear with a linking flat-roof dormer and blind, flat-roof dormers to each side. A basement level would be added to the rear of the existing building. Whilst not specifically detailed, the basement kitchen has rear doors and windows to a lightwell/escape access.
- 2.3 As previously, it is proposed that there would be 40 staff operating on a three shift basis an increase from the existing 18 staff.
- 2.4 The proposal includes 10 parking spaces (which accords with the Planning Inspector's conditions attached to approval P1826.07) for the nursing home and Nurses Home. This includes the garage attached to No.7 Manor Avenue. The existing three vehicle accesses would be retained.
- 2.5 The plans again show that landscaping areas would be retained to the front boundary. Some additional planting is being proposed to the eastern boundary with properties in Westmoreland Avenue. Nearby preserved trees

in the grounds of No.3 Manor Avenue have not been identified nor provisions made for their protection during development.

- 2.6 The private amenity spaces to the rear of the two buildings would be joined together and would be of approximately 900 square metres.

3. History

3.1 No.5 Manor Avenue:

ES/HOR/442/61 - 10 maisonettes - refused

825/84 - One dwelling and garage - outline - refused

P1895/86 - Conversion of dwelling to residential home for the elderly - approved

P0556.87 - Fire escape from 1st floor walkway across flat roof - approved

P1745.87 - Cover to escape staircase for residential home - approved

P1119.88 - Ground floor rear extension and first floor side extension and porch, 5 bedrooms/lift/WC facilities to suit - approved

P0345.90 - Rear and side ground floor extensions - approved 21/1/91

P1341.04 - Extension and alteration of residential care home to provide 40 No. single bedrooms with associated ancillary accommodation - withdrawn 6/9/04.

No.7:

P0345.05 Rear and side ground floor extension - approved 21/1/91.

P1435.92 Two-storey and single storey side extension - approved 4/6/93.

No 5 and No.7

P0179.05 Extension and alteration of residential care home to provide 40 single bedrooms with associated ancillary accommodation - refused 22/04/05 - appeal dismissed 30/11/05

P1466.05 Change of use of garden of No.7 to use as nursing home amenity space and engineering landscaping works to provide car-parking spaces - refused 20/2/06.

P0787.07 - Extension and alteration of existing residential care home to provide 40 No. bedrooms with associated ancillary accommodation – withdrawn

P1826.07 – Extension and alteration of existing residential care home to provide 40 No. bedrooms with associated ancillary accommodation and a change of use of No.7 Manor Road from C3 to C2 to provide associated ancillary accommodation – Refused 6/12/07; subsequent appeal upheld 4/6/08. The refusal reasons were:

1. The proposed development would, by reason of its excessive bulk and massing resulting in overdevelopment of the site and harm the visual amenities of the streetscene and the rear garden environment contrary to Policies DC61 and DC5 of the Core Strategy and Development Control Policies Submission Development Plan Document and Supplementary Design Guidance on Residential Extensions and Alterations.

2. The proposed development would, due to increased activity and intensity of use result in noise and disturbance adversely affecting the existing residential character contrary to Policies DC61, DC5 and DC55 of the Core Strategy and Development Control Policies Submission Development Plan Document.

3. The proposed development would, by reason of insufficient off street parking, result in on street parking to the detriment of existing residents parking, traffic flow, and highway safety contrary to Policy DC33 of the Core Strategy and Development Control Policies Submission Development Plan Documents.

4. The proposed development would, by reason of its scale and siting, cause perceived overlooking/loss of privacy and visual intrusion resulting in loss of residential amenity for occupiers of existing residential development contrary to Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Documents and Supplementary Design Guidance in Residential Extension and Alterations.

The Planning Inspector in upholding the appeal concluded that...

“Although the extended Moreland House would be a large building, it seems to me that its design would give it the appearance of two large semi-detached houses, which would not look out of place in this locality, and that this would help it fit more easily into the street-scene. It is true that the side and rear extensions would result in a large increase in massing and bulk of the flanks of the building, but the new extension would be set well away from the surrounding houses and I believe that the tree-lined grounds are large enough for the extended building to sit comfortably within its plot”. And “Now that the further substantial lower addition to the rear, disliked by the previous Inspector (APP/B1580/A/05/1183404), has been omitted, I consider the objection of that Inspector, relating to the ratio of the building to land area compared to neighbouring properties, has been overcome and that the proposal does not represent overdevelopment of the site. The proposal would therefore meet the aims of policies DC61 and DC5 of the CSDCP concerning urban design and specialist accommodation and I conclude that it would not materially harm the character and appearance of the area”.

- that there would be sufficient amenity space and that normal minimum window to window distances would be exceeded and noise levels associated with the care home would be relatively low such that there would be no overlooking or loss of privacy and that visual and general amenity (noise and disturbance) of the neighbours would not be unacceptably impacted upon

- he also indicated that additional parking (making 10 spaces) could be provided together with a turning head such that this would not result in an acceptable impact on highway safety or the free flow of traffic on Manor Avenue.

- also that suitable conditions could be attached with regard to energy conservation/sustainability and landscaping

4. **Consultation/Representations**

- 4.1 57 neighbouring occupiers were notified of the proposal. Three pieces of correspondence have been received objecting to the proposal on the following grounds:
- this is another building proposed in an overdeveloped area
 - increase in traffic causing a danger to school children and their parents
 - all development has resulted in blight to this neighbourhood
 - insufficient parking
 - the proposed development would be intolerable due to noise, lack of privacy etc.
 - the proposed building is overdevelopment
 - unacceptable behaviour of the contractors
 - unacceptable noise and disturbance during the construction period
- 4.2 Thames Water have written indicating that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer, that an oil interceptor should be provided to the car park area, that a fat trap should be fitted and waste oils collected by a contractor to prevent pollution of local watercourses, require a piling method statement to be submitted but that they have no objection with regard to sewerage infrastructure.
- 4.3 The London Fire and Emergency Planning Authority have written to indicate that the Brigade is satisfied with the proposals.
- 4.4 English Heritage has written indicating that in view of the limited groundworks outside the existing footprint, that there is no need for archaeological intervention through the planning system.
- 4.5 The Metropolitan Police Crime Prevention Design Advisor has written to indicate that the local area has a lower than the Havering average of criminal offences. However, he recommends that conditions and an informative are attached to any grant of planning permission to ensure that the proposed development would meet Secured by Design principles and practices.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways. Policies CP17, DC5, DC33, DC49, DC50, DC60, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan and SPD on Residential Design are relevant. Also relevant are London Plan Policies 3.8, 5.7, 6.13, 7.3, 7.4, 7.6 and 7.21 and the National Planning Policy Framework.

5.2 *Principle of development*

5.2.1 The proposal is for a 40-bed care home. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for specialist residential development in principle in line with Policy DC5, subject to the detailed design of proposals.

5.3 *Design/layout/Impact on Streetscene*

5.3.1 As previously approved, the proposed development would increase the existing floorspace at Moreland House from just under 600 square metres to over 1,500 square metres - by nearly 150% extra. A full third floor would be added to the mainly chalet-bungalow style existing property. Two, three-storey gables with flat roofed sections would be located to both sides of the development with three-storey gables and flat roof dormers to the rear elevation.

5.3.2 In terms of street scene, the proposed front elevation would appear to be mainly two-storey with two, three-storey gables and some accommodation in the roofspace. The side extension would also increase the width of the building. Whilst this is a matter of some judgement, the Planning Inspector in his decision on the scheme decided that the proposal would be acceptable in terms of its impact in the streetscene. In the intervening period, planning permission has been granted for a flatted development on land adjoining the application site to the west at no. 3 Manor Avenue (planning ref. No. P1741.11). This flatted block took into account that the Care Home was being redeveloped and there is no change to the impact in the streetscene except in relation to the flatted block for which construction is well advanced. Staff therefore consider that there would be no significant adverse impact on visual amenity in the streetscene and that the proposed front elevation would be acceptable in terms of its impact in the street scene.

5.3.3 The building would be as originally approved and will extend to nearly 23m in depth and 23m in width with full-three-storey height gabling to the side and rear elevations with flat roofed dormers in between. Staff consider that as No.7 forms part of the application site, the final rebuild of Moreland House would be located nearly 30m from No.s 50-56 Westmoreland Avenue and the nearest properties in Pinecroft - that it would not be overbearing in relation to these existing properties. The adjoining flats and the approved care home have already been considered to have an acceptable relationship with each other and Staff therefore consider that although the resulting bulk and massing of the building would be substantial, the use of detailing and materials reduce the impression of bulk such that the proposed development would be acceptable in terms of its impact in the street scene and rear garden environment.

5.3.4 Staff consider the arrangement of the building, access and amenity/parking areas (which remain the same as previously approved) provide a

reasonable layout and level of amenity in line with the Supplementary Planning Document on Residential Design.

5.4 Impact on Residential Amenity

5.4.1 As the application site includes No.7 Manor Avenue, the nearest residential properties would be in Manor Avenue, Westmoreland Avenue and Pinecroft, and would now include the flatted development adjacent to No.3 Manor Road.

5.4.2 In considering the likely impact of Moreland Care Home on the flatted block it was considered that as the proposed flatted block's ground floor flank windows were to serve second bedroom to units 3 and 4 which would look onto the high level fence that divides the two sites, no concerns were raised. It was then noted that there would be a reduced level of light and outlook from these windows, however, as they were not the primary bedrooms of the flats, that this was a 'buyer beware' situation where future occupants would accept this relationship. The current proposal would not alter the proposed elevation, including the arrangement of the windows, from that approved in 2008 and Staff therefore consider that there would be no loss of expected amenity levels over that previously considered to be acceptable.

5.4.3 Similarly, the flatted block's first floor units 7 and 8 have windows that serve the second bedroom in the same position as the ground floor and similarly face onto Moreland Care Home. It was noted when assessing the impact that the approved plans P1826.07 showed that these windows would face onto a shower room and W.C which would be obscure glazed. As this arrangement would remain exactly the same, the same conclusion, i.e., that this relationship would not result in overlooking or loss of amenity remains. The bedroom windows to Moreland Care Home would in any event be located away from the proposed bedroom windows of the flats under construction here.

5.4.4 The proposed car-parking area would be located to the front of the two properties. Whilst the parking area would be located close to the side boundary of No.3 Manor Avenue, as existing and no closer to the rear boundary of No.56 Westmoreland Avenue, it is unlikely that, given the distance away from existing residential properties, there would be any significant impact on residential amenity from traffic related noise.

5.4.5 Staff therefore consider that there would be no undue loss of residential amenity to these existing occupiers.

5.5 Highway/Parking

5.5.1 Car parking provision would be expected to be provided as follows: 8 spaces for the occupants, plus one space per resident staff and 1 space per 20 non-resident staff. The proposal indicates that 40 staff would work on a shift basis and that No.7 Manor Avenue with three bedrooms would be available for staff accommodation. The proposed parking provision shown

would be 10 spaces which falls below the expected 13 space provision. However, there are no other highways concerns regarding this development partly because the proposal is within a reasonable walking distance of Gidea Park Railway Station and 5 bus routes pass close to the site at the Drill roundabout providing reasonable access by public transport. Also, on street parking is restricted between 8-10am (only) to prevent commuter parking which may lessen potential overspill parking during the morning peak time, thereby reducing road safety, traffic congestion and amenity concerns arising from slightly substandard car-parking provision. The Planning Inspector in deciding the appeal required 10 spaces on this basis. Staff therefore consider that this level of parking provision is acceptable.

6. Other Issues:

- 6.1 Sustainability/Energy Efficiency – the proposal is for a major development which would be expected, in line with LDF Policies to meet sustainable and energy efficient objectives. Suitable conditions would be attached.
- 6.2 Land Contamination – a suitable condition could be added to any grant of permission to require the provision of an assessment and further follow up work if necessary.
- 6.3 Secured by Design – the CPDA has advised that conditions and an informative should be attached to any grant of planning permission.

7. Conclusions

- 7.1 The main issues are the principle of the proposed development and the effect of the proposal on visual amenity in the street scene, on the amenities of neighbouring occupiers and highways/parking. Staff consider, as previously and in line with the Inspector's decision, that the proposal is acceptable in principle and, while it represents a substantial increase in the size and scale of the existing building would not result in harm to the visual amenities of the street scene or the rear garden environment or cause significant harm to residential amenity. Parking and highway matters are also considered to be acceptable. It is therefore considered that the development would meet Policies CP1, DC61, DC5 and DC33 of the LDF Core Strategy and Development Control Policies Submission Development Plan Document and the NPPF.

IMPLICATIONS AND RISKS

8. Financial Implications and risks:

- 8.1 None

9. Legal Implications and risks:

9.1 None.

10. **Human Resource Implications:**

10.1 None

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

11.1 The proposal would increase the range of housing choices available to the Borough's residents and add to the supply of Care Home accommodation.

BACKGROUND PAPERS

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

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