



## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
10 January 2013**

**Council Chamber -  
Town Hall**

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative Group  
( 7 )**

**Residents' Group  
( 2 )**

**Labour Group  
( 1 )**

**Independent  
Residents'  
Group  
( 1 )**

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

Linda Hawthorn  
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:**

**Taiwo Adeoye (01708 433079)**

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## AGENDA ITEMS

### 1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

### 2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

### 3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

### 4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 16)

Report attached

### 5 P1020.12 - 69 OLDCHURCH ROAD, ROMFORD (Pages 17 - 38)

Report attached

- 6 P1276.12 - LAND ADJACENT TO HILLDENE CLOSE, BRIDGWATER ROAD, DARLINGTON GARDENS AND NORTHALLERTON WAY, HAROLD HILL (Pages 39 - 62)**

Report attached

- 7 P1176.12 - PRAM STORE AT HIGHFIELD TOWERS, HILLRISE ROAD, COLLIER ROW (Pages 63 - 70)**

Report attached

- 8 P1279.12 - LAND AT CHIPPENHAM GARDENS, HAROLD HIL (Pages 71 - 92)**

Report attached

- 9 APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND ADJACENT TO 11 RODING WAY, RAINHAM, ESSEX, RM13 9QD (OS 553595, 183177; 553609, 183181; 553612, 183159; 553603, 183165) (Pages 93 - 100)**

Report attached

**10 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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# Agenda Item 4

## Regulatory Services Committee

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<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-8	P1238.12	Gooshays	Pentowan Farm, Church Road, Noak Hill, Romford
9-13	P1310.12	Pettits	2B Moray Way, Romford

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## **REGULATORY SERVICES COMMITTEE**

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<b>APPLICATION NO:</b>	<b>P1238.12</b>	
<b>WARD :</b>	Gooshays	<b>Date Received:</b> 24th October 2012 <b>Expiry Date:</b> 19th December 2012
<b>ADDRESS:</b>	Pentowan Farm Church Road Noak Hill Romford	
<b>PROPOSAL:</b>	Erection of replacement storage barn.	
<b>DRAWING NO(S):</b>	3217/1; -2; -3; -4; -5; -6	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The site comprises an existing open-sided barn building used currently for the storage of pallets, sacks and other items in association with an existing established potato business which operates from an adjoining building. Potatoes grown at other sites nearby are brought to this site for storage and on-going distribution. At the site visit it was noted that the barn also provided hay storage.

The site forms part of a larger area known as Pentowan Farm with the remainder of the site being in mainly in agricultural use, although an MOT/car repairs use was issued with a Certificate of Lawful Existing Use in 2004.

The surrounding area is a mixture of residential (including some farmhouses) and community buildings mainly to the Church Road frontage with farms and some other commercial uses with open/cultivated fields behind.

### **DESCRIPTION OF PROPOSAL**

This application is for the replacement of the currently open-sided barn with an enclosed barn. The proposed barn would be 11.7m wide, 18.4m long and have a shallow pitched roof with side gables with a ridge height of 7.7m above ground level (eaves at 6.1m above ground level).

The external materials are concrete panels below grey cladding with the roof being in grey fibre cement panels. A roller shutter door would be provided facing into the existing court-yard area (north-eastern elevation). The internal details indicate that there would be shelving to the side and rear walls but otherwise there would be single-height storage. It is proposed that potato storage can then take place in the building which currently cannot provide such storage as it is open-sided.

It is not proposed that there would be any increase in car parking spaces or staff numbers from the existing.

A supporting document is submitted indicating the following special circumstances case as summarised:

- the building would not be inappropriate development in the green belt in accordance with the NPPF as it is a replacement building which is not materially larger than the one it replaces
- the LDF is out of date in respect of replacement buildings in the green belt and the NPPF should take precedence

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- economic growth should be supported in rural areas in line with the NPPF
- the new barn is needed as the existing building is old and insecure, providing limited storage in connection with the existing potato business
- the new building will enable a fixed temperature to be set for the storage of potatoes to keep them fresher longer (increasing flexibility in purchase and supply)
- the proposed three-stage racking will enable the storage of pallets of potatoes and packaging materials
- reduction in theft of the produce and loss of pallets and other packaging materials, including branded sacks

### **RELEVANT HISTORY**

E0027.04 - Repair and servicing of motor vehicles (B2 Use Class)  
PP not required 08-11-2005

P1253.92 - To use part of existing worksh op as Class 7 MOT test bay  
Refuse 17-03-1993

### **CONSULTATIONS/REPRESENTATIONS**

16 neighbouring occupiers were notified of the proposal, a press notice was issued and a site notice was posted. There were no replies.

### **RELEVANT POLICIES**

#### **LDF**

- CP14 - Green Belt
- CP17 - Design
- CP3 - Employment
- DC11 - Non-Designated Sites
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design

#### **OTHER**

- LONDON PLAN - 4.4 - Managing industrial land and premises
- LONDON PLAN - 6.13 - Parking
- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.3 - Designing out crime
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The proposal is for a storage building in excess of 100 sq.m (210 sq.m). However it is a replacement building and overall the increase would be 70 sq.m. The Mayoral CIL is not therefore liable.

### **STAFF COMMENTS**

The issues arising from this application are the principle of the development, its impact on the Metropolitan Green Belt, impact in the streetscene, impact on residential amenity and highways/parking. If harm is identified very special circumstances to outweigh the presumption against inappropriate development in the Green Belt must exist.



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### **PRINCIPLE OF DEVELOPMENT**

Policy DC45 and the NPPF indicate that the use of buildings in the green belt as warehousing and/or offices is inappropriate development in the green belt. However, the NPPF also states at paragraph 89 that.."A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

The proposal is to demolish the existing Dutch-barn building which is 140 sq.m and replace it with a larger building of 210 sq.m. It is proposed that the replacement building would provide a storage facility ancillary to and in connection with the existing potato business. Whilst the building would be used for the storage and distribution of potatoes which are grown at farms in the locality, the site itself is not considered to be in agricultural use. The supporting information indicates that the farm land was sold off in the 1970s and although the potato business was pre-existing prior to that such that it may have benefited from its agricultural use, following the sale of the farm land, the building appears to have been used solely as storage within Class B8 of the Use Classes Order. This is not a lawfully defined use of this site which can only be formally determined through the submission of and receipt of a Certificate of Lawful Development, nonetheless it appears to be the case. The applicant has not relied on this being in agricultural use in his supporting statement.

The proposed building would increase from 140 sq.m to 210 sq.m and would therefore be 50% larger floorspace than the building it replaces. In terms of volume, the existing building is approximately 925 cubic metres and the new building would be approximately 1,490 cubic meters, a 565 cubic metre increase which equates to a 61% increase in overall volume. It is therefore considered that the proposed building would be materially larger than the building it replaces and while the proposal would continue in the same use as existing in line with the NPPF, Staff consider that the proposal would be inappropriate development in principle and therefore result in "in principle" harm to the Metropolitan Green Belt and the reasons for including land within it.

As such and in line with the NPPF, if in principle harm together with other harm is identified, very special circumstances must exist if the presumption against inappropriate development in the green belt is to be considered acceptable. Before considering any special circumstances, consideration is given below to whether any other harm arises from the proposed development.

### **GREEN BELT IMPLICATIONS**

The proposed building would be approximately 60% larger by volume and 50% larger floorspace than the building it would replace. It would retain the same building line to the north-east as the

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existing building and would extend to the south-west to just inside the shared boundary. It would also be higher at its ridge point than the existing building by about 0.6m, however the existing building has a rounded roof and Staff consider that the proposed shallow-pitched, triangular roof would appear less bulky at roof level than the existing building.

The building would retain the current North-West South-East orientation of the existing building and be in the same materials as the other existing, but newer, barn used for potato storage. However, given that the overall increase in the volume of the building would be 60% larger than the building it replaces, Staff consider that there would be harm to the open character of the green belt in this location, although this is somewhat limited by the already built up nature of the site and its immediate surroundings.

### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The existing barn is visible from the public highway at Church Road.

Staff consider that as the proposed barn would be located some 25m or so from the public highway and to the rear of structures in the adjoining property which lies between the barn and the highway, that the proposed barn, while closer to the highway than the existing building and slightly higher, it would not have any significant adverse impact on visual amenity in the streetscene.

The nearest garden area is located to the rear of the former farmhouse. While the building would be closer to the boundary of the neighbouring property, it would be further from the garden area than the existing potato storage barn. Staff consider that as the building would replace the existing high-sided barn and would be only marginally closer to the garden area, that it would not have any significant adverse impact on the rear garden environment.

### **IMPACT ON AMENITY**

The nearest residential property is approximately 17m away from the proposed building .

It is considered that as there is no proposed change to the use of the building that if the building were provided with suitable sound insulation and that any plant and/or machinery was acceptable and a condition was attached restricting hours of use that there should not be any significant adverse impact on the existing occupiers next door to the rear (west) of the proposed building.

### **HIGHWAY/PARKING**

Annex 5 of the LDF indicates that B1 Uses/B8 Uses should provide 1/100 sqm and 1 lorry space per 200 sq.m or 1 lorry space plus 1 lorry space per 500 sq.m. In relation to this application 2 parking spaces and 1 lorry space would be required for the new building. There are 8 existing car parking spaces and lorries enter and existing the site in forward gear currently. It is not proposed to change this current arrangement and the new building would not alter the parking or turning arrangements.

It is considered that the parking area provided would meet the needs of the occupiers and that no additional provision is necessary for parking/loading or unloading.

### **OTHER ISSUES**

The Case for Special Circumstances:

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The applicant has submitted special circumstances which he wishes to be taken into account which are summarised as follows:

- the building would not be inappropriate development in the green belt in accordance with the NPPF as it is a replacement building which is not materially larger than the one it replaces

Staff comment: The proposed building would be 50% larger by footprint but 60% larger by volume it is not therefore considered that the proposal amounts to not being materially larger

- the LDF is out of date in respect of replacement buildings in the green belt and the NPPF should take precedence

Staff comments: The NPPF, adopted in March 2012 is a more recent document than the LDF adopted in 2008, nonetheless both documents consider that the proposal would be for inappropriate development in the green belt

- economic growth should be supported in rural areas in line with the NPPF

Staff comments: The proposal would not increase work opportunities but could provide economic growth in terms of greater profit for the owner of the business and represents an investment in an existing business

- the new barn is needed as the existing building is old and insecure, providing limited storage in connection with the existing potato business

Staff comments: The need for a better storage facility for a product which degrades is considered to amount to a very special circumstances as is the need to reduce the likelihood that the product nor packaging is the subject of theft, the proposed storage barn would reduce crime in line with Policy DC63

- the new building will enable a fixed temperature to be set for the storage of potatoes to keep them fresher longer (increasing flexibility in purchase and supply)

Staff comments: The open sided barn is not suitable for the purpose for which it is being used and the proposal would enable the product to have greater longevity resulting in a more consistent product supply to meet demand

- the proposed three-stage racking will enable the storage of pallets of potatoes and packaging materials

Staff Comments: Being able to store the product and packaging on multiple levels will enable more supplies to be stored at this site ready for dispatch on demand

- reduction in theft of the produce and loss of pallets and other packaging materials, including branded sacks

Staff Comments: See above

As outlined above, Staff consider that there are some very special circumstances that exist in relation to the proposed development. These very special circumstances need to be weighed against the inappropriateness in principle to the proposed building in the Green Belt which is materially larger and the harm to the openness to the Green Belt. As a matter of judgement, given the existing built up nature of the site, the proposed positioning and size of the building, Staff consider that the very special circumstances are sufficient to outweigh the harm identified.

Given the very special circumstances advance, it is considered necessary to attach a condition that the building only be used in connection with the storage and distribution of potatoes.

### **SECTION 106**

The proposal is not for residential development and no Planning Obligation is therefore required.

### **KEY ISSUES/CONCLUSIONS**

The proposal is to replace the existing open-sided barn building so that it can be used for additional secure storage in connection with the existing potato supply business.

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Staff consider that the circumstances indicated amount to the very special circumstances needed to outweigh the "in principle" and other harm in connection with the proposed building which is for an inappropriate use in the green belt.

### **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

**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).

**3.** SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the building hereby permitted shall only be used in connection with the storage and distribution of potatoes and shall be used for no other purpose(s) whatsoever including any use in Class B8 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

**4.** SC22 (Hours of operation) ENTER DETAILS

Deliveries to and from, and work within, the building hereby approved shall only take place between the hours of 07:00 and 18:00 Mondays to Fridays, 08:00 and 16:00 on Saturdays, and at no time on Sundays, Bank or Public Holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**5.** SC32 (Accordance with plans)

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

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6. SC42 (Noise - New Plant) (Pre Commencement Condition)

Prior to the commencement of any works which involve the provision of plant or other machinery in connection with the proposed barn, details of any new plant or machinery shall be submitted to the Local Planning Authority and approved in writing. Once approved any plant or machinery shall be implemented in accordance with the approved details and maintained in perpetuity.

Reason:-

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

7. SC60 (Contaminated land condition No. 1) (Pre Commencement)

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

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

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### **2. Non Standard Condition 31**

Unless otherwise agreed in writing by the Local Planning Authority, the proposed building shall be constructed and finished in external materials as stated in Section 9 of the application form.

Reason: To ensure that the development would complement existing similar barn buildings within the locality in accordance with Policies DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

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## **INFORMATIVES**

### **1 Standard Green Belt Informative**

The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of the increase in the size of the replacement building over the size of the building to be replaced, it should not be assumed that any further extensions or buildings will be agreed.

### **2 Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### **3 Reason for Approval**

Reason for Approval

The proposed building is considered to be materially larger than that existing and is considered to be inappropriate development in the Green Belt which harms its openness. However, there are considered to be sufficient very special circumstances to outweigh the harm identified, in accordance with the NPPF and Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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<b>APPLICATION NO:</b>	<b>P1310.12</b>	
<b>WARD :</b>	Pettits	<b>Date Received:</b> 26th October 2012 <b>Expiry Date:</b> 21st December 2012
<b>ADDRESS:</b>	2B Moray Way Romford	
<b>PROPOSAL:</b>	Change of Use from A3 to A5 (fish and chips restaurant and takeaway) with the extension of hours to 9pm	
<b>DRAWING NO(S):</b>	OS Map Existing plan and elevations	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

This application was called to Committee by Cllr Barry Tebbutt in order that committee can consider what appropriate opening hours are and to consider whether bringing a vacant unit back into use should be accorded any weight.

### **SITE DESCRIPTION**

The application site comprises a roughly rectangular parcel of land situated at the western end of a short parade of shops with flats above. This parade is identified in the LDF Core Strategy and Development Control Policies DPD as the Moray Way Minor Local Centre. The parade is located at the junction of Moray Way and Havering Road. There is presently a parking lay-by at the front of the parade and a service road at the rear. The existing parade is of a straightforward design, three storeys high and has a pitched roof with gable ends. The flats on the upper floors of the parade are accessed from the rear service road which also serves some garages on its southern side.

The site itself contains a newly constructed end of terraced building with A3 use at ground floor and residential above. The area surrounding the application site is predominantly residential in character with mainly two storey detached and semi detached houses. The Havering Road Methodist Church is situated opposite the site.

### **DESCRIPTION OF PROPOSAL**

The application seeks planning permission for a change of use from A3 to a takeaway(A5) and extending the opening hours.

No building works are proposed to the premises and as a result the total area of the unit would remain 60m<sup>2</sup>. Proposed opening hours would be from 11:00 to 21:00 Mondays to Saturdays. The proposed take-away would be closed on Sundays and Bank Holidays.

No additional ducting is required from that which was previously approved under P0472.11.

It is indicated that the use will employ 2 full-time and 2 part-time members of staff.

No details are provided in terms of off-street parking or refuse storage areas.

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This application does not involve any changes to the shop front or new advertisement signs and only relates to the change of use and the increase in opening hours

**RELEVANT HISTORY**

- P1038.12 - Demolition of existing garages and erection of 2no. 2 bed properties  
Refuse 26-11-2012
- P1514.11 - Variation of opening hours from those granted in application No. P0472.11  
Refuse 01-12-2011
- P0472.11 - Construction of an end of terrace three storey building, comprising A3 commercial unit at ground level with No.1 x 3 bed flat on first and second floor. Associated storage and refuse provision.  
Apprv with cons 27-05-2011
- P1375.08 - Construction of 1 no.commercial unit with separate 3 bedroom flat above  
Apprv with cons 09-10-2008

**CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent out to 40 neighbouring properties and 5 letters of objection were received (2 from the same person) raising the following concerns:

- proposal would increase noise, smell and traffic pollution
- increase in safety concerns with the possibility of youths hanging around the shop
- rubbish from takeaway business will end up in the street
- already too many restaurants and take-aways in the area
- parking problems
- flue would result in unacceptable smells
- noise generated by late night opening hours

Highways did not raise any objection to the proposal as there are on street 'Disc' parking outside the development.

Environmental Health did not raise an objection to the proposal providing that suitable conditions be added for insulation, noise and vibration control, odour control and limit hours for construction and deliveries.

The Borough Crime Prevention Design Adviser did not raise any objection to the proposal.

**RELEVANT POLICIES**

LDF

- CP4 - Town Centres
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

OTHER

- LONDON PLAN - 2.15 - Town Centres



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### **OTHER**

NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

There is no CIL implications as there will be no additional floor space created.

### **STAFF COMMENTS**

The issues arising from this application are the principle of change of use, the proposal's visual impact, impact on amenity, parking and highway issues.

### **PRINCIPLE OF DEVELOPMENT**

The application site is designated as being within a Minor Local Centre. Policy DC16 states that planning permission for retail uses (Class A1) and other uses, appropriate to a shopping area (Classes A2, A3, A4, A5) in the borough's Minor Local Centres, will be granted at ground floor level. As such, the principle of a A5 unit in this location is therefore considered to be acceptable in terms of retail policy.

Exceptions may be made where the applicant can demonstrate, through twelve months marketing information, that the premises have proved difficult to dispose of for any such use.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

It is considered by Staff that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as it would be open during core shopping hours.

For these reasons Staff consider that the proposal to be acceptable in principle in land use terms. The existing use is A3, no loss of retail would therefore result.

### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The proposed use would involve no alterations to the external appearance of the building at the front and would therefore pose no adverse or detrimental issues to the character of the street scene in Moray Way. Any changes to the shop front or advertisements would be assessed by a separate application(s).

The extract duct would be towards the rear. A similar extract duct was approved as part of a A3 use application at 2 Moray Way, Staff therefore do not have any concerns regarding the current proposal. If permission were to be granted, a condition would be recommended requiring additional details of the extract equipment.

### **IMPACT ON AMENITY**

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that the wider area is predominantly in residential use, despite the relatively small parade with ground floor commercial uses. Consequently, the use is in a relatively noise sensitive

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location.

The applicant has indicated an intention to open until 21:00 from Mondays to Saturdays and not at all on Sundays and Public Holidays. The issue, therefore, is whether the hours of opening and the nature of the proposed use would give rise to unacceptable worsening of amenity to residents in the surrounding area.

The application premises is the end unit to a parade of 9 shops. The rest of the shops within the parade have varied opening hours with the earliest opening time at 07:00 and the latest closing time at 18:00.

There are a number of independently accessed residential properties above neighbouring commercial premises within the parade as well as residential development in Havering Road to the rear of the site and in the immediate surrounding area. The application premises currently has a A3(retail) use with opening hours from 09:00 to 18:00 Mondays to Saturdays and not at all on Sundays and Public Holidays. The issue, therefore, is whether the change of use to a hot food take away and restaurant and opening hours till 21:00 would give rise to unacceptable worsening of amenity to residents above the parade and in the surrounding area.

A5(take-away) uses often attract a high proportion of car-borne customers, who will generally seek to park as close as possible to the premises. In an area characterised by a number of residential properties, such as this, this can often lead to excessive disturbance to local residents by way of noise from car engines, the running of engines, the closing of vehicle doors and music from radios. There is also the potential for such uses to attract people who may be likely to congregate outside such premises. Although such activity may be less intrusive during the day, the nature of an A5 use and their opening hours is such that this would take place during the evening.

It is considered that the evening activity in a predominantly residential area would give rise to unacceptable noise and disturbance from additional levels of vehicle and customer activity during the evening within this predominantly residential environment. This is considered likely to be materially harmful to residential amenity. Furthermore, it is considered that a closing time of 21:00 would be an unreasonably onerous restriction on a take away, which may compromise the viability of the enterprise and would be likely to result in subsequent applications for extended opening hours.

It is considered that the proposed change of use in this instance, due to the very nature of takeaway uses, and given the evening operating hours, would have an adverse impact upon the amenity of the occupiers of neighbouring residential properties in terms of noise and disturbance. This is of particular concern as there are several independent residential properties above the neighbouring commercial premises. While it is accepted that the site is located close to a relatively busy road with arguably higher ambient noise levels, it is considered that the later opening hours, when the ambient levels would be lower, would result in unacceptable noise and disturbance to neighbouring properties.

It should be noted that the Council has recently refused planning permission for a change of use at 6 Moray Way to a hot food take away (Class A5) on the grounds of harm to neighbouring residential amenity (application P1043.12). Proposed opening hours at no. 6 (21:30 finish, 7 days a week) were similar to that proposed here (in this case a 21:00 finish Mondays to Saturdays).



## **REGULATORY SERVICES COMMITTEE**

**10 January 2013**

permission as part of a previous application.

### **HIGHWAY/PARKING**

Policy DC33 states that planning permission will only be granted if new developments provide car parking spaces to the standards provided in Annex 5. The application proposes a new commercial unit (Class A5) at ground floor level. Annex 5 outlines that for a Class A5 use 1 space should be provided per 10 square metres of floor space. The proposed restaurant unit would have a floor area circa 60m<sup>2</sup> resulting in a requirement for 6 parking spaces.

At the present time many of the retail units and upper floor flats within the parade do not benefit from their own allocated parking. On street car parking in the roads surrounding the application site is largely unrestricted with users of the ground floor shops utilising the lay-by to the front of the parade for short stay parking. The application site is located adjacent to Havering Road which is served by several main bus routes serving Collier Row and Romford town centres. In view of the above Staff consider that a shortfall in car parking would be acceptable in this instance.

The service road is currently utilised for access to the rear of all of the properties in the parade including the application site. The proposed access arrangements are considered to be acceptable.

### **KEY ISSUES/CONCLUSIONS**

The use to be retained would be acceptable in principle in a Minor Local Centre. However, the proposed takeaway is located close to residential properties and would potentially result in an unacceptable level of noise and disturbance and anti-social behaviour which would have an adverse impact on these occupiers amenities. The proposal is therefore contrary to the NPPF, Designing Safer Places SPD and Policies DC16, DC55, DC61 and DC63 of the LDF Core Strategy and Development Control DPD.

### **RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

**1. Reason for refusal - Business in residential area**

The use as a takeaway, due to its days and hours of operation and proximity to adjoining residential accommodation, would be likely to give rise to unacceptable levels of noise, disturbance and anti-social behaviour, adversely impacting on local residential amenity contrary to the National Planning Policy Framework, the Designing Safer Places SPD and Policies DC16, DC55, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

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**1 Refusal - No negotiation**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of NPPF

# REGULATORY SERVICES COMMITTEE

10 January 2013

# REPORT

**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 3529m<sup>2</sup> minus the existing floor area to be demolished of 1846.16m<sup>2</sup>, which equates to a total area of 1682.84m<sup>2</sup> and a Mayoral CIL payment of £33,656.80.

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 on the basis that an independent assessment of viability of the proposed development confirms the provision of 8% of dwelling units affordable housing units being appropriate.
- 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:

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 (2 spaces each) 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 details previously submitted to and approved in writing by the Local Planning Authority and shall be made 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 approved 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.

23) CCTV and Lighting: No development shall take place until a CCTV and lighting scheme for the underground car parks have been submitted to and approved in writing by the Local Planning Authority. 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.

24) Parking restriction: No parking spaces shall be formed to the front of the proposed new dwellings fronting onto Oldchurch Road without the prior written consent of the Local Planning Authority.

Reason:

In the interests of highway safety.

## **INFORMATIVES**

1. Reason for Approval (on the basis that an 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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with paragraph 186-187 of NPPF

### 3. 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.

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 and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
5. 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.
6. 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.
7. 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.

8. 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).
9. 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. **Background**

The application was deferred from the 15 November Regulatory Committee meeting in order for a number of questions to be addressed. Please see below the questions raised and the applicant's response:

- a. *Demonstration of how refuse lorry movements would take place without causing obstruction, especially to emergency vehicle movements, in Oldchurch Rise.*

Drawing 2216 P19 & P02L shows the road layout has been amended and widened slightly to ensure a large rigid vehicle can enter turn and leave the site in forward gear. A car can still enter the site whilst a large vehicle is waiting to leave. A box junction would prevent any vehicles blocking the junction and ensure ambulances and buses are not delayed on route to the hospital.

- b. *Position/capacity of the refuse store.*

Drawings 2216 P03d & P07d show the bin stores enlarged to ensure there is enough room to store bins for all residents.

- c. *Conditions on control and provision of lighting and CCTV especially for underground car park.*

Yes we are happy for lighting and CCTV to be conditioned for the underground car park, the car parks will also have an automatic security shutter operated by a fob given to residents using these spaces.

- d. *Controls to prevent formation without prior written consent of access/parking area in front of new housing fronting onto Oldchurch Road.*

Yes a condition if necessary, we have shown the parking for the houses at the rear and shown the cross over closed up.

- e. *Clarification that 8% affordable housing was satisfactory following independent viability assessment.*

The independent assessment report demonstrates the site cannot support greater than 8% affordable.

- f. *Relationship of traffic movements to Oldchurch Rise/Road right turn filter lane.*

Out of our control, but as stated in our previous email; the client stated that the reason that traffic at the junction is a problem at the moment is because the hospital vehicle barrier is broken. The barrier is only supposed to allow ambulances and buses access to Oldchurch Rise, but cars which should exit onto Rom Valley Way are being allowed to pass on to Oldchurch Rise. When the barrier is operating very few cars use this road, quite a few larger delivery vehicles which currently visit the application site will be removed from local traffic improving the current situation, which is why the application was approved previously.

Staff are satisfied that the revised drawings would sufficiently allow large vehicles to turn and leave the site in forward gear. Although the applicant has made mention of a box junction, this is not currently present on site and would have to be a request from Highways. Staff are satisfied with the storage bins provided. A suitable condition has been added to require CCTV and lighting to the underground car parks. A suitable condition has been added to prevent any parking to the front of the houses, off Oldchurch Road. Staff are satisfied that the provision of 8% affordable housing would be acceptable as it has been independently verified that the proposal cannot support more than 8% affordable housing. Staff are satisfied with the relationship of traffic movement to Oldchurch Rise and with the explanation given by the applicant as to why there are current problems at this junction. It should be noted that Highways did not raise an objection to traffic movement onto Oldchurch Rise and Oldchurch Road.

The original report to committee is repeated below.

## **2. Site Description**

- 2.1 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.

2.2 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.

### **3. Description of Proposal**

3.1 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.

3.2 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.

3.3 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.

3.4 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.

- 3.5 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.
- 3.6 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).

#### **4. Relevant History**

- 4.1 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.
- 4.2 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

#### **5. Consultations/Representations**

- 5.1 Notification letters were sent to 78 neighbouring properties and 1 letter of objection was received.
- 5.2 The main concerns relates to the overdevelopment of this part of the Borough and the increase in traffic congestion that it would bring about.
- 5.3 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.
- 5.4 The Highway Authority has no objection to the proposals.

5.5 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.

5.6 English Heritage requests a condition securing the implementation of a programme of archaeological works.

## **6. Relevant Policies**

6.1 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.

6.2 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).

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

## **7. Staff Comments**

7.1 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.

## **8. Principle of Development**

8.1 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.

- 8.2 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 61m<sup>2</sup> for a 2-bed 3-person flat and 50m<sup>2</sup> 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 83m<sup>2</sup> for a 2-bed 4-person dwelling and 96m<sup>2</sup> for a 3-bed 5-person dwelling. The proposed dwellings are in line with these minimum guidelines and considered acceptable.
- 8.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The 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.
- 8.4 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.

## **9. Density and Site Layout**

- 9.1 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.
- 9.2 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.

- 9.3 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.
- 9.4 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
- 9.5 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.

## **10. Design and Visual Impact**

- 10.1 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.
- 10.2 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.

- 10.3 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.
- 10.4 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 consists 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.

## **11. Impact on Amenity**

- 11.1 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.
- 11.2 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.

- 11.3 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.
- 11.4 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.

## **12. Sustainability/Renewables**

- 12.1 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.
- 12.2 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 CO<sub>2</sub> emissions is met.
- 12.3 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.

## **13. Highways / Parking Issues**

- 13.1 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.
- 13.2 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.

#### **14. Affordable Housing**

- 14.1 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. An independent economic viability assessment has confirmed that the applicant's provision of 8% affordable housing is acceptable.

#### **15. The Mayor's Community Infrastructure Levy**

- 15.1 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 3529m<sup>2</sup> minus the existing floor area to be demolished of 1846.16m<sup>2</sup>, which equates to a total area of 1682.84m<sup>2</sup> and a Mayoral CIL payment of £33656.80.

#### **16. Planning Obligations**

- 16.1 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.

#### **17. Other Issues**

- 17.1 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.
- 17.2 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.



**18. Conclusion**

18.1 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. The proposal for 8% affordable housing has been independently assessed and was deemed acceptable. It is recommended that planning permission be granted, subject to the relevant legal agreement.

**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 16<sup>th</sup> August 2012.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**Subject Heading:**

**P1276.12: Land adjacent to Hilldene Avenue, Hilldene Close, Bridgwater Road, Darlington Gardens and Northallerton Way, Harold Hill Romford.**

**Report Author and contact details:**

**Redevelopment of the part vacant Hilldene ‘North’ site to provide 100 residential units (58% affordable housing), with ancillary car parking and associated landscaping (application received 25 October 2012, revised plans received 13 and 17 December 2012).**  
**Helen Oakerbee, 01708 432800**  
[helen.oakerbee@havering.gov.uk](mailto: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 [ ]
- Valuing and enhancing the lives of our residents [x]
- Delivering high customer satisfaction and a stable council tax [x]

## SUMMARY

The application is for the redevelopment of this site to create 100 units, comprising 56 houses and 44 flats. 58% of the units are proposed as affordable housing. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is therefore judged to be acceptable and, subject to the prior completion of a Legal Agreement and conditions, it is recommended that planning permission is granted.

## RECOMMENDATIONS

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

The provision of a minimum of 50% of the units within the development as affordable housing in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document with a 36:64 split affordable rent to shared ownership.

- A financial contribution of £600,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The provision of a training and recruitment scheme for local people to be employed during the construction period.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents:

PL002 Revision M

PL100 Revision G  
PL102 Revision H  
PL103 Revision F  
PL106 Revision F

PL110 Revision E  
PL115 Revision E  
PL116 Revision F

PL131 Revision A  
PL132 Revision B  
PL136 Revision A

PL154 Revision F  
PL155 Revision G  
PL156 Revision G  
PL157 Revision C  
PL158 Revision B  
PL159 Revision F  
PL160 Revision F  
PL161 Revision F

PL203 Revision A  
PL204 Revision A  
PL205 Revision A  
PL206 Revision A

PL254 Revision B  
PL255 Revision B  
PL256 Revision B

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

3. Phasing plan- The development shall be carried out in accordance with the phasing plan shown on drawing number sps0757/1A unless otherwise submitted to and approved in writing by the Local Planning Authority. No phase of the development shall commence until all relevant prior to commencement conditions are approved in respect of that phase.

Reason: To ensure that full details of conditions pursuant to the relevant phase of the development are submitted and to accord with the submitted details.

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

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

5. Materials - No phase of development (as identified in accordance with condition 3) shall be commenced until samples of all materials to be used in the external construction of the buildings within that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

6. Landscaping – No phase of development (as identified in accordance with condition 3) shall be commenced until a detailed scheme for the hard and soft landscaping of that phase of the site has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme/s shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Refuse and recycling - Prior to the first occupation of each phase of the development hereby permitted (as identified in accordance with condition 3), provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the

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

8. Cycle storage - Prior to completion of each phase of the development hereby permitted (as identified in accordance with condition 3), cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

9. Boundary treatment – No phase of development (as identified in accordance with condition 3) shall be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

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

10. Secure by Design - No phase of development (as identified in accordance with condition 3) shall be commenced until 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 have been submitted to and approved in writing by the Local Planning Authority. Each phase of 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 and DC63 of the LDF Development Control Policies Development Plan Document.

11. External lighting - No phase of development (as identified in accordance with condition 3) shall be commenced until a scheme for the lighting of external areas of that phase of the development, including any access roads, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter to the satisfaction of the Local Planning Authority.

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

12. Biodiversity – No phase of development (as identified in accordance with condition 3) shall be commenced until details have been submitted to and approved in writing by the Local Planning Authority showing how the development will comply with the recommendations set out in Section 6.2 of the submitted site Ecological Assessment, carried out by MLM Environmental. The development of that phase shall then be carried out in accordance with the approved details.

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

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

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

14. Wheel washing - No phase of development (as identified in accordance with condition 3) shall be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during that phase of the construction works has been 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.

15. Construction methodology - No phase of development (as identified in accordance with condition 3) shall be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;



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

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

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

16. Land contamination - No phase of development (as identified in accordance with condition 3) shall be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

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

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

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

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

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

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

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

17. Travel Plan - Prior to the commencement of development a travel plan showing measures to be undertaken to encourage the use of sustainable modes of transport and reduce reliance on use of private cars shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect public health and the occupiers of the development from potential effects of poor air quality and to accord with Policy DC52 of the Core Strategy and Development Control Policies Development Plan Document.

18. Archaeology – A) No development shall take place on any phase of the development (as identified in condition 3) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority.  
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part A).  
C) Each phase of the Development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase 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 building recording) in accordance with the recommendations given by the Borough and in the NPPF.

19. Sustainability - No phase of development (as identified in accordance with condition 3) shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design of the relevant phase 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 relevant phase of the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the

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

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

20. Renewable energy - The renewable energy system for each phase of development (as identified in accordance with condition 3) shall be installed in strict accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational to the satisfaction of the Local Planning Authority prior to the residential occupation of each and any phase of the development. Thereafter, it shall be permanently retained.

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

21. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted under any phase of the development, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

22. Site Waste Management – The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 25 October 2012 unless otherwise submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

26. Stopping up of Highway: Prior to the commencement of development an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as highway authority and development shall not commence until and unless a stopping up order is confirmed by the Council as highway authority or the Secretary of State (on appeal) as appropriate.

Reason: To fully consider the impact of the proposed development in respect of public highway.

27. Details of ground levels – No phase of the development hereby approved (as identified in accordance with condition 3) shall be commenced until details of the proposed finished ground levels of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

28. Replacement community facilities – No development shall commence on the redevelopment of the site marked on drawing number sps0757/1A as site 'C' (Harold Hill Library) until details of how replacement community facilities will be secured have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in a loss of community facilities and to accord with Policy DC27 of the Core Strategy and Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. In aiming to satisfy condition 10 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF

### **Reason for Approval:**

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC27, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document. The proposal does not fully comply with Policy DC7 in that 10% of the units are not wheelchair adaptable. However, in combination with planning application P1279.12 the proposals will provide 10 fully adapted wheelchair units on the Hildene 'East' site. In view of the size and type of units to be provided, and as they will be provided fully adapted for immediate occupation by wheelchair users, the exception to policy is considered to be justified.

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

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

### **Planning Obligations:**

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

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site comprises three parcels of land situated to the north of Hilldene Avenue. The overall site area is approximately 1.53 hectares. The largest of these (referred to on the submitted site plan as area 'E') is located between Bridgwater Road and Darlington Gardens. Northallerton Way lies to the west and Darlington Path to the east. Ground levels fall from the north of the site towards the south. This part of the development site is now vacant and cleared for development.
- 1.2 The other two parcels of land forming part of the application site are referred to on the submitted site plan as areas 'A', 'B' and 'C'. Area A is located to the south of Bridgwater Road, on the western side of Hilldene Close. It is a former petrol filling station, now used as an open air hand car wash. Area 'B' is a single storey building, used as a gym, located at the junction of Bridgwater Road and Hilldene Close and area 'C' is the existing Harold Hill library, a part single, part two storey building fronting on to Hilldene Avenue.
- 1.3 To the north, west and east of the development site the locality is primarily surrounded by residential development, principally comprising two storey terraced housing. However, some exceptions to this are Abercrombie House, which is a community residential building, to the east of sites 'B' and 'C' and a church building to the west of site 'A'. To the south of the site, on the opposite side of Hilldene Avenue, are commercial properties, which form part of the Harold Hill Minor District Centre.

### **2. Description of Proposal**

- 2.1 The application will involve the demolition of the remaining buildings within the development site and the construction of a new residential development of 100 units, comprising 44 flats and 56 houses. Of these, 58 units will be provided as affordable (21 affordable rent and 37 shared ownership). The affordable units consist of 12 no. 1 bed flats, 10 no. 2 bed flats, 16 no. 2 bed houses, 18 no. 3 bed houses and 2 no. 4 bed houses. The remaining 42 units will be for private sale, comprising 12 no. 1 bed flats, 10 no. 2 bed flats, 12 no. 2 bed houses and 8 no. 3 bed houses.
- 2.2 The development on the most northerly portion of the site (site 'E') will principally comprise a perimeter development of dwellings fronting out onto the surrounding streets. There is however a flatted block to the central section of the northern site boundary facing onto Darlington Gardens. Further flatted blocks are sited perpendicular to Bridgwater Road, clustered around the central part of the site facing east and west respectively, arranged around a central parking and landscaped area.
- 2.3 The proposed units on the north part of the site (Site 'E') are two and three storeys high. They are typically arranged as short terraces, principally two storey but 'bookended' with three storey units. The flatted elements within the development are all two storey.
- 2.4 The development on this site also proposes opening up the eastern site boundary with Darlington Path. This enables the creation of a shared surface access, which provides vehicular access to three of the proposed dwellings within the development, as well as an additional nine parking spaces. This part of the development site is served by front curtilage parking for the majority of the units, together with some shared parking areas in the centre of the site and courtyard parking provision.
- 2.5 Of the more southerly sites, site 'A' (former petrol filling station) comprises a flatted block fronting Hilldene Avenue, wrapping round the junction with Hilldene Close. This will abut a pair of semi-detached houses, with terraced housing to the northern site boundary fronting on to Bridgwater Road. An identical arrangement is proposed for the combined sites 'B' and 'C'. To the Hilldene Avenue frontage, the development will present primarily as three storeys, although the buildings reduce to two storeys high at the end. The buildings reduce from three storeys to two as they extend northwards along Hilldene Close and are predominantly two storey within Bridgwater Road. Parking is primarily provided either as in curtilage parking for the dwellings or within parking courts located to the rear of the blocks.
- 2.6 Although the development is spread over three separate land parcels, in combination they will read as one development. The proposed buildings have a fresh, modern appearance, albeit that they are constructed of traditional materials, such as brick and render and tiled roofs. The modern element of the design is drawn principally from elements such as the asymmetrical roof design, use of floor to ceiling height windows, contrasting entrance porches, glazed balconies and 'pop out' window features, as well as the palette of materials.

2.7 The application is accompanied by a suite of supporting documents including a planning statement, design and access statement, transport statement and travel plan, affordable housing statement, flood risk assessment, ecology and arboricultural assessment, daylight/sunlight analysis, contamination ground investigation report and energy reports.

### **3. Relevant History**

3.1 There is no previous planning history which is of direct relevance to these proposals. The proposal does however form a part of the Harold Hill Ambitions Programme, further details of which will be explained later in this report.

3.2 Z0007.12 Environmental Impact Assessment screening opinion – EIA not required.

### **4. Consultations/Representations**

4.1 Prior to submission of the application, the proposals were the subject of pre-application consultation with the local community, including a public exhibition held in May 2012. Following receipt of the application, the proposals have been advertised on site and in the local press as a major development and neighbour notification letters have also been sent to 303 local addresses. Two letters of representation have been received raising the following issues:

- plans indicate trees within boundary of neighbouring church to be removed
- what boundary treatment will there be to the church?
- adverse impact caused by parking and timing of construction traffic
- hours of working
- blocks view from neighbouring flats
- restricts light and privacy to flats
- lack of parking
- additional noise

4.2 English Heritage (GLAAS) advise that there is potential for hitherto unknown archaeological remains to be affected by the proposal and request a condition to secure archaeological evaluation and mitigation if permission is granted.

4.3 Environmental Health request conditions relating to air quality, contaminated land and noise if permission is granted.

4.4 Essex & Suffolk Water raise no objection but require new properties to be connected to their existing network.

4.5 The Fire Brigade have advised that there are insufficient details to assess if the access complies with ADB volumes 1 & 2.

4.6 At the time of writing this report, the Environment Agency object to the proposals on the grounds that an acceptable Flood Risk Assessment has not



been submitted and it has not been demonstrated that there is not an increased risk of flooding from surface water.

- 4.7 Highways raise no objections in principle to the proposals. It is noted that as part of the proposal the designer has included an area of hard standing opposite the junction of Bridgwater Road and Hilldene Close. It is unclear whether this area is to be adopted although the Authority will not adopt any parking spaces as highway as per the above. The proposals also include a widening of Darlington Path which the Authority supports given the anti social problems involved in this area. This will require the developer to enter into an agreement under the Highways 1980. This agreement will also encompass the new driveways and vehicle access points on the development. It is further noted that some stopping up of the highway will be required.

## **5. Relevant Policies**

- 5.1 Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC27, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

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

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

## **6. Background**

- 6.1 This planning application is an important element of the Council's Harold Hill Ambitions Programme (HHA). HHA is a regeneration programme, which commenced in 2008, with the aim of transforming the quality of life and living environment of Harold Hill residents over the next 20 years. One of the key objectives of HHA was to provide improved local housing and this site, together with the Hildene East site, which is the subject of a separate planning application for residential development (reference P1279.12). Although the two applications are separate, the background to these is interlinked.
- 6.2 In 2009 the Council prepared a development brief covering its requirements for the redevelopment of the site and, in 2009, selected developer partners. Whilst it is for Members of this committee to assess the proposals against national and local planning policies, Staff consider that the proposal is, in principle, in line with the objectives of the HHA programme.

## **7. Staff Comments**

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

## **7.2 Principle of Development**

- 7.2.1 The application site is not within a designated land use area and therefore its redevelopment for residential purposes is considered to be acceptable in principle and to accord with Policy CP1 of the Local Development Framework (LDF), as well as the objectives of the HHA programme.
- 7.2.2 The former buildings on the northern part of the site have already been demolished. The remaining buildings comprise a former petrol filling station, community building and a library. None of these buildings are of any particular heritage interest and there is no objection in principle to their demolition. The development site would involve the loss of an existing library facility. However, the Council is committed to ensuring that a new library would be provided if the existing facility is lost and Staff are therefore confident that no loss of community facilities would result in the long term. However, to ensure that this is the case it is proposed to control this via a condition so that the development complies with Policy DC27 of the LDF. The proposal will contribute to the provision of housing within the Borough and therefore complies in principle with Policy CP1 of the LDF and Policies 3.3 and 3.4 of the London Plan.

## **7.3 Density and Site Layout**

- 7.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the

borough' where a density range of 30-50 units per hectare applies. The application site has a combined area of 1.53 hectares and proposes 100 new dwellings. This equates to a development density of 65.4 units per hectare, which is above the range specified in Policy DC2. The development density is however not necessarily unacceptable per se if the development is judged to be acceptable in all other material respects. It should further be noted that this site is located in close proximity to the Harold Hill Minor District Centre, so is well served by local facilities, as well as having good levels of access to local bus routes.

- 7.3.2 Of the 100 units, 44 are flats and the remaining 56 units are family housing. There are 24 no. 1 bed units, 48 no. 2 bed units, 26 no. 3 bed units and 2 no. 4 bed units. The development is considered to provide an acceptable mix of unit types and sizes, which complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. Internal unit sizes comply with Policy 3.5 of the London Plan.
- 7.3.4 In respect of site layout, the development will sit across three separate sites. However, the sites share a similar arrangement of perimeter development fronting out onto the surrounding roads, with in curtilage parking to the front gardens and shared parking courtyards at the rear of the blocks. The layouts of the sites are generally reasonably spacious and, for the more northerly site, conform to established building lines. Whilst the proposed development to the Hilldene Avenue frontage generally sits forward in the streetscene, it is considered that this is appropriate given the wide nature of Hilldene Avenue, the wide landscaped area opposite the side and its status as a local commercial area. It is therefore considered that the overall height and degree of prominence of the proposed buildings would not appear overly dominant or intrusive in the Hilldene Avenue streetscene.
- 7.3.5 The majority of trees will be removed from the site. However, the landscaping proposals indicate that this will be compensated for by the planting of around 77 new trees and Staff are satisfied that this would result in a development of acceptable quality and appearance. It is recommended that detailed landscape proposals be secured by condition.
- 7.3.6 In terms of amenity space provision, each of the dwellings has its own private rear garden area. These vary in size and depth but typically are between 8m and 9m in depth on the larger site and around 7m deep on the two smaller sites. The gardens for the dwellings are well configured, private and useable and are considered to comply with guidance in the Residential Design SPD. The flats have a communal landscaped setting and each of the flats has a decent balcony of at least 1.5m in depth, which also accords with the Residential Design SPD. Additionally, the development makes provision on site for informal play areas with play equipment for younger children. The site is within an 800m radius of Central Park, where the Council is intending to upgrade the play facilities. The proposal is therefore considered to have adequate provision for amenity and play facilities.

- 7.3.7 The overall height, scale and position of the units within the site is considered to be compatible with the local area. Whilst there is a prevalence of two storey housing in the locality, three storey development is not uncommon (i.e. to the north side of Darlington Gardens). The layout of the site and the set back of development from road frontages is considered to be in keeping with the locality. The proposal also opens up Darlington Path, which is located to the east of the site. The residents of Darlington Path presently only have pedestrian access to their dwellings and the proposal to widen this is considered to improve the security of the footpath, as well as to provide enhanced opportunities for residents parking. This aspect of the development is therefore welcomed in principle.
- 7.3.7 The Borough Crime Prevention Design Advisor has been consulted and it is considered that reasonable measures have been undertaken to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 7.3.8 The development is designed to Lifetime Homes standard. There are no wheelchair accessible units within this development, which is contrary to Policy DC7, which requires 10% of units to meet this criteria. However, there are 10 fully adapted wheelchair units to be provided on the Hilldene East site. Whilst numerically the total number of wheelchair units falls below that required by Policy DC7 (17 units across both sites), LBH Housing have agreed to the proposals in principle, as the units will be supplied fully adapted, rather than just capable of adaption as allowed for by the policy, and immediately available for occupation by wheelchair users. A good mix of units is also offered as wheelchair adapted housing, including 4 no. 2 bed flats, 2 no. 3 bed flats, 2 no. 3 bedroom bungalows and 2 no. 4 bed houses. Housing are therefore satisfied that the provision of wheelchair accessible housing that has been secured is superior to what would be achieved by simply applying the numerical requirements of Policy DC7. Accordingly the scheme is acceptable in principle in this respect.

## **7.4 Design and Visual Impact**

- 7.4.1 In terms of scale and massing, turning first to the northern part of the site, the perimeter blocks are principally two storey and are compatible with the local streetscene. The proposals indicate that ground levels will continue to fall in a north/south direction but a condition in respect of proposed levels is recommended to ensure this will be the case. Although the northern site includes three storey development, this is interspersed with the lower housing and does not appear materially out of scale and character, particularly given the three storey nature of existing development in Darlington Gardens.
- 7.4.2 The two smaller sites contain a more significant element of three storey housing, although to the Bridgwater Road frontage this is limited to just two of the units. The scale of development is considered to be suited to the predominant two storey nature of existing housing in Bridgwater Road. The three storey scale of the development to the Hilldene Close and Hilldene

Avenue frontages of the site is considered to be compatible with local character as the width of the carriageway is wider and is suited to a larger scale of development. Combined with the shopping centre character of Hilldene Avenue and existing four storey development and a more civic feel to this part of the locality, it is considered that the scale and massing of the proposed buildings does not appear intrusive or overbearing.

7.4.3 As with the Hilldene 'East' planning application, the proposed development includes variation on the height of buildings. Staff have no objection in principle to the varying scale and bulk of the buildings and consider they provide visual interest in the streetscene, whilst respecting local character. Staff do consider that there is a degree of judgement to be made about how successfully the transition in the building heights will be achieved and the resultant visual impact of this. This is essentially a matter for Members to consider and apply judgement. However, examples of 'stepped' development are given in the submitted Design and Access Statement and Staff consider, on balance, that this aspect of the development can work successfully.

7.4.4 Architecturally, the proposed units have adopted a traditional building form and given it a modern twist. Materials are principally proposed to be a light coloured brick with contrasting grey brick entrance porches and 'slate' roof tiles. This palette of materials is different to the reddish brick which prevails in the locality but it is considered that it would be acceptable and give a modern degree of contrast to the prevailing local housing character. The proposed dwellings also have features such as rendered sections, full height glazing and windows of varying form, such as pop out and wrap around windows. Combined with the asymmetrical roof forms and modern glazed balconies to the flats, the proposal is considered to have a bold visual impact but with sufficient traditional elements to complement the locality. Staff consider the development need not necessarily fully reflect the height or architecture of surrounding buildings and would have an acceptable visual impact in its own right. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

## **7.5 Impact on Amenity**

7.5.1 Turning first to the northerly site, the application site does not share a direct boundary with any neighbouring property. Relationships between the site and nearby dwellings will therefore be across public highways (Darlington Gardens, Bridgwater Road and Northallerton Way) and this distance is considered sufficient to prevent material harm to neighbouring amenity.

7.5.2 The relationship between Darlington Path and the application site will change, following the opening up of the pedestrian link. Nonetheless there will remain a separation distance of some 16m between the front elevation of the existing houses and those proposed, as the Darlington Path houses have relatively deep front gardens. Subject to details of lighting, surfacing, boundary treatment etc. which can be secured by condition, Staff consider the proposal would have an acceptable relationship with the dwellings in Darlington Path.

- 7.5.3 There is a church adjacent to the former petrol filling station site. Although the church is a relatively small scale building in relation to those proposed on the application site, the proposed dwellings fronting Bridgwater Road are set in off the party boundary and lie to the side of this building, such that material harm to amenity is not considered to result. The flatted element of the new development sits well away from the party boundary and does not have an unacceptable impact on the neighbouring site.
- 7.5.4 Similarly, the relationship of the proposed development on the library site with the adjacent Abercrombie House is considered acceptable given the extent to which the development is set away from the shared party boundaries. No material harm to the amenity of residents of Abercrombie House is therefore considered to result.
- 7.5.5 The proposal is not therefore considered to result in material harm to the amenity of local residents and to comply with LDF policy DC61. Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots (such as the relationship of plot 9 with plots 7/8 and plot 36 with plots 19/20). Staff have however secured revisions to the layout, which repositions the relevant dwellings such that the impact on amenity is lessened. There has also been some swapping of house types between plots so that the proposed dwellings now have improved relationships with those adjacent. Whilst the siting of a two storey flank wall directly on the rear boundary of proposed dwellings is not ideal, in view of the revisions made to the layout Staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions.

## **7.6 Environmental Issues**

- 7.6.1 The application site is located in Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted and concludes that the development is appropriate in flood zone 1. At the time of writing this report the Environment Agency has objected to the proposals on the basis that they are not satisfied there is no increased risk of surface water flooding. Members will be updated on this issue verbally.
- 7.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.
- 7.6.3 Environmental Health have advised that an air quality assessment will be required owing to the number of parking spaces within the development. It is proposed to deal with this by a condition requiring the submission of a travel plan aiming to reduce private car use as a more practical means of encouraging a reduction in air pollution.
- 7.6.4 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that the development will achieve a

minimum meet Code for Sustainable Homes Level 4. It is recommended that the aims of these statements be secured by condition but the condition will require a minimum of Code level 3 to accord with current LDF policy.

7.6.5 An ecology assessment has been submitted with the application. There is no indication of the presence of any rare or protected species, including bats on the site. The report does make recommendations relating to the impact of development on nesting birds and opportunities for bio-diversity enhancement. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.

7.6.6 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

## **7.7 Parking and Highway Issues**

7.7.1 The proposal provides a total of 132 parking spaces, which has been marginally increased from the 130 spaces originally proposed. The amount of parking provided equates to a ratio of 1.32 spaces per dwelling. Whilst this falls below the LDF parking requirements of 2-1.5 spaces per dwelling Highways have advised that the amount and configuration of the parking is acceptable on this site. The proposal will also create the opportunity for frontage parking to those dwellings in Darlington Path, which is an improvement on the current situation. The proposals also make provision for cycle parking, which shall be secured by condition.

7.7.2 Highways raise no objection in principle to the road layout within the development and are satisfied that it makes acceptable provision for access to the site and has an acceptable impact on the highway network. The proposal is considered to make suitable provision for the collection of refuse.

## **7.8 Affordable Housing**

7.8.1 The application provides a total of 100 units, of which it is proposed that 58% will be provided as affordable accommodation (21 affordable rent and 37 shared ownership) This is equivalent to a 36:64 split. The development proposed would be in excess of the minimum requirement of 50% affordable housing required by national and local planning policies and is considered to provide an acceptable mix of homes for affordable rent and intermediate accommodation. The amount of affordable housing proposed would need to be secured through S106.

7.8.2 As part of the ongoing objectives of the Harold Hill Ambitions Programme, the Council has been insistent that the redevelopment of this and the nearby Hilldene 'East' site achieves predominantly mixed tenure housing with the majority of homes being social units for rent. Taken in conjunction with

planning application P1279.12, the proposal is consistent with these objectives and is therefore supported in principle by the LBH Housing Service.

## **7.9 Infrastructure**

7.9.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £600,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

## **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 7861m<sup>2</sup> less the area of existing building in use to be demolished (939 m<sup>2</sup>). This equates to a Mayoral CIL payment of £138,440.00.

8.2.1 However, as some of the development is proposed as affordable housing, it is open to the applicants to make an application for social housing relief on the affordable element of the proposals.

## **9. Conclusion**

9.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. Staff further consider the design, scale, bulk and massing of the proposed buildings to be acceptable. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues. The proposal is considered to be consistent with the aims and objectives of the Harold Hill Ambitions Programme.

8.2 The proposal makes provision for affordable housing within the development in excess of the requirements of local and national planning policy and will include a requirement to meet infrastructure costs associated with the development in accordance with the draft Planning Obligations SPD. The proposal is therefore judged to be acceptable, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**



The application site comprises land which was in the ownership of the Council.

**Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreements; Section 106 and highway agreement and to deal with any application for a stopping up of highway.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and is designed to meet Lifetime Homes criteria. The development provides affordable housing in excess of the minimum requirements, including both affordable rent and social housing and thereby contributes to the provision of mixed and balanced communities and access to quality housing for all elements of the community. The development accords with the objectives of the Harold Hill Ambitions programme, which seeks to promote equality of opportunity to all residents of the Borough.

**BACKGROUND PAPERS**

Application forms and plans received 25 October 2012; revised plans received 13 December and 17 December 2012.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

10 January 2013

**Subject Heading:**

P1176.12 – Pram Store at Highfield Towers, Hillrise Road, Collier Row – Convert Pram Store into a one-bedroom flat with external alterations (received 26 November 2012)

**Report Author and contact details:**

Helen Oakerbee  
Planning Control Manager (Applications)  
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01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

This report concerns an application for the conversion of the existing disused pram store at Highfield Towers into a one-bedroom flat with external alterations. Staff consider that the proposal would accord with environmental and highways policies

contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and it is therefore recommended that planning permission be granted subject to conditions.

This application is brought before the Committee because the site is Council owned.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

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

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

2. *Requirement for Infrastructure Contribution* – Before any works in connection with the development hereby approved commence, arrangements shall be agreed in writing with the local planning authority and put in place to ensure that the infrastructure needs arising from the additional dwelling are adequately met.

Reason: The development would otherwise be unacceptable without adequate infrastructure provision in accordance with Policy DC72 of the LDF and the Planning Obligations Supplementary Planning Document.

3. *External materials* – Unless otherwise agreed in writing, external alterations to the building shall be carried out in materials to match those in the existing building.

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

4. *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.

5. *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.

6. *Sound insulation* - 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.

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

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

8. *Secured by design measures* - Prior to the commencement of the works hereby permitted, an area shall be defined to reduce the likelihood of crime being perpetuated to any new occupiers, such area shall be provided with railings/bars or other suitably secure measures and, once approved in writing, shall be implemented prior to first occupation of the flatted accommodation.

Reason: In the interests of crime prevention and to ensure that the amenities of the occupiers are at a reasonable level in accordance with Policies DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

## **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF
2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC26, DC33 and DC61 of the LDF

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 £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

3. Mayoral CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1092. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

**REPORT DETAIL**

**1. Site Description**

- 1.1 The application site comprises a vacant pram store within the rear right hand part of the ground floor of Highfield Towers, a 16 storey high-rise flatted block. Highfield Towers is within Council ownership. Immediately surrounding this part of the building is a grassed area surrounded by low railings and a parking area/footway.
- 1.2 Apart from the Tower block, the area is mainly residential in character with 1-, 2- and 3-storey residential properties mixed flats and houses.

**2. Description of Proposal**

- 2.1 The proposal is for the conversion of the pram store into a one-bedroom flat with external alterations to provide windows/doors. The proposed flat would have a gross internal floor area of 54.6 sq.m. There would be a new low railing to define the entrance route to the flat from the footway to the rear and parking area.

**3. History**

- 3.1 None relevant.

**4. Consultation/Representations**

- 4.1 98 neighbouring occupiers were notified of the proposal. At the time of drafting the report the consultation period had not yet expired. Any

comments/objections received will be reported orally at the Committee Meeting.

- 4.2 Thames Water has written to advise that they have no objections in relation to sewerage infrastructure.
- 4.3 The London Fire Brigade has written to advise that no additional fire hydrants are required.
- 4.4 The Metropolitan Police Crime Prevention Design Advisor (CPDA) has written advising that some crime prevention measures should be brought forward with the proposal to ensure that the new occupiers are not the subject of any criminal activity. Revised plans have been received removing a living room window to the rear and incorporating an entrance route defined by railings. Further comment of the CPDA will be reported at the meeting.

## 5. **Relevant Policies**

### 5.1 LDF Core Strategy and Development Control Policies Development Plan Document

CP1 – Housing Supply  
CP2 – Sustainable Communities  
CP17 – Design  
DC2 – Housing Mix and Density  
DC3 – Housing Design and Layout  
DC4 – Conversions to residential and subdivision of residential uses  
DC11 – Non-designated sites  
DC33 – Car parking  
DC35 - Cycling  
DC61 – Urban design  
DC63 – Delivering safer places  
DC72 – Planning Obligations  
Supplementary Planning Document (SPD) for Residential Design  
Draft Planning Obligations Supplementary Planning Document

### 5.2 The London Plan

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

### 5.3 National Planning Policy Framework

Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design

## 6. **Staff Comments:**

6.1 The issues in this case are the principle of development, density/site layout, impact in the streetscene, residential amenity, parking/highways, crime prevention/community safety and infrastructure.

### 6.2 *Principle of development*

6.2.1 The proposal is for the conversion of the existing vacant pram store into a 1-bedroom flat. Staff consider that this would provide additional housing and that there is no objection in principle to the loss of the pram store which is no longer required or used. The conversion would accord with both the need for more housing and the need to provide affordable units in accordance with Policies CP1, DC2 and DC6.

6.2.2 Staff consider that the proposed additional residential unit in this existing residential building would be acceptable in principle, subject to its impact being within acceptable limits.

### 6.3 *Density and site layout*

6.3.1 The existing tower block is of a high density compared with surrounding development in the area. The addition of an extra flat would slightly increase the density of housing on the site, but this in itself is not considered to be a justifiable reason for refusal if the proposal is considered acceptable in all other respects.

6.3.2 The proposal would provide a one-bed flat in an existing flatted block. In line with The London Plan Table 3.3 which indicates a minimum size for a 1bed, 2person being 50 sq.m, the proposed flat would exceed this at 54.6 sq.m. It is therefore considered that the accommodation would be of a suitable size for living in.

6.3.3 There is no private amenity space provided for the proposed flat. However, the tower block has communal amenity areas which would be available to occupiers of the unit. The main outlook from the proposed flat would be to the grassed area immediately in front which is well maintained. It is considered that the flat would receive adequate levels of light and would be of an acceptable quality.

### 6.4 *Design/Impact on Streetscene/rear garden environment*

6.4.1 The only external alterations would be removal of smaller window openings, new window/door openings and low railings to define the entrance route. All these would match existing and there would be no adverse impact on visual amenity in the streetscene.

### 6.5 *Impact on Residential Amenity*



6.5.1 The nearest residential properties are those within the existing building and to Hillrise Road and Bolberry Road. The new flat would not directly adjoin any units within the existing block and proposed windows would be to the ground floor and at least 37m from the nearest property 243 Hillrise Road. Although the block is in an elevated position relative to the surrounding properties, the proposed windows would be no closer than existing windows on upper floors to the same elevation of the flatted block and Staff therefore consider that there would be no adverse impact on existing residential amenity from the proposed flat.

#### 6.6 *Highway/Parking*

6.6.1 No additional parking would be provided in relation to the additional 1-bed flat. While the general requirement in this area is for 1.5-2 parking spaces per unit, the proposal is for a one-bed flat and there is existing communal parking provided. There are no highways objections to this scheme.

#### 6.7 *Crime Prevention/Community Safety*

6.7.1 Ground floor flatted units are more vulnerable to crime and anti-social behaviour. The original plans showed no defensible space to the front and a large living room window immediately adjacent to the footway. The Police CPDA objected to this and plans have been revised to omit one living room window and provide an entrance route to the front. There remains a kitchen window which would be susceptible, but overall the proposed flat is considered acceptable in terms of crime prevention measures.

#### 6.8 *Infrastructure Requirements*

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document, a contribution is required where there is a net gain in residential units. In this case a contribution of £6,000 is required. As the site is owned and to be developed by the Council, a legal agreement to secure the contribution would not be possible to complete. Therefore, in these exceptional circumstances, it is recommended in this case that arrangements to secure a contribution be required by condition.

#### 6.9 *The Mayor's Community Infrastructure Levy*

6.9.1 The CIL Regulations require CIL to be paid where a new dwelling is formed by way of change of use (rather than conversion) and the building has not been in use for at least 6 of the last 12 months. The pram shed has been empty for some time and therefore CIL payment of £1092 would be required in this case.

### 7. **Conclusions**

7.1 Staff consider that the proposal would be acceptable in principle and, would not have an adverse impact on visual or residential amenity, that it would be

acceptable on other grounds and would be in accordance with policies contained in the LDF.

## IMPLICATIONS AND RISKS

### 8. **Financial Implications and risks:**

8.1 None

### 9. **Legal Implications and risks:**

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

### 10. **Human Resource Implications:**

10.1 None

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

11.1 The proposal would provide an additional affordable housing unit to the benefit of those unable to secure a unit at market rates.

## BACKGROUND PAPERS

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

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**Subject Heading:**

**P1279.12: Land at Chippenham Gardens, Harold Hill, Romford**

**Report Author and contact details:**

**Redevelopment of the part vacant Hilldene 'East' site to provide 72 residential units (100% affordable housing), associated car parking and landscaping (application received 23 October 2012, revised plans received 13 December and 17 December 2012 ).  
Helen Oakerbee, 01708 432800  
[helen.oakerbee@havering.gov.uk](mailto: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 [ ]
- Valuing and enhancing the lives of our residents [x]
- Delivering high customer satisfaction and a stable council tax [x]

**SUMMARY**

The application is for the redevelopment of this site to create 72 units, comprising 38 houses and 34 flats. All of the units are proposed as affordable housing for rent.

The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is judged to be acceptable subject to the prior completion of a Legal Agreement and conditions. It is therefore recommended that planning permission is granted.

## RECOMMENDATIONS

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

- The provision of a minimum of 50% of the units within the development as affordable housing (100% for affordable rent) in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £432,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- The provision of a training and recruitment scheme for local people to be employed during the construction period.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents:

PL 001 Revision L

PL100 Revision G  
PL101 Revision F  
PL102 Revision H  
PL103 Revision F  
PL104 Revision G  
PL106 Revision F  
PL107

PL121 Revision E  
PL126 Revision B  
PL127 Revision A  
PL128 Revision A

PL150 Revision G  
PL151 Revision H  
PL152 Revision G  
PL153 Revision H

PL201 Revision A  
PL202 Revision A

PL301

PL251 Revision B  
PL252 Revision C  
PL253 Revision B

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

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

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

5. Landscaping – Prior to the commencement of development a detailed scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

8. Boundary treatment – Prior to the commencement of development details of proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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

9. Secure by Design – The development shall not commence until 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 have been submitted to and approved in writing by the Local Planning Authority. Each phase of 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 and DC63 of the LDF Development Control Policies Development Plan Document.

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

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

11. Biodiversity – Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority showing how the development will comply with the recommendations set out in Section 6.2 of the submitted site Ecological Assessment, carried out by MLM Environmental. The development shall then be carried out in accordance with the approved details.

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

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

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

13. 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.

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

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

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

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

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

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



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

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

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

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

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

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

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

16. Travel Plan - Prior to the commencement of development a travel plan showing measures to be undertaken to encourage the use of sustainable modes of transport and reduce reliance on use of private cars shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect public health and the occupiers of the development from potential effects of poor air quality and to accord with Policy DC52 of the Core Strategy and Development Control Policies Development Plan Document.

17. Archaeology – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a

written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority.

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 building recording) in accordance with the recommendations given by the Borough and in the NPPF.

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

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

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

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

20. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

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

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

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

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

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

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

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

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

25. Stopping up of Highway: Prior to the commencement of development an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as highway authority and development shall not commence until and unless a stopping up order is confirmed by the Council as highway authority or the Secretary of State (on appeal) as appropriate.

Reason: To fully consider the impact of the proposed development in respect of public highway.

## **INFORMATIVES**

1. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control.

It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.

2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF

#### **Reason for Approval:**

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

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

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

#### **Planning Obligations**

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

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site comprises a parcel of land located on the north side of Chippenham Road. The land lies to the south of Hilldene Avenue and east of East Dene Drive. Ground levels rise from the north of the site towards the south. The site area is approximately 1.2 hectares. A number of trees will need to be removed from the site.
- 1.2 The application site is essentially comprised of four elements, which are referred to on the submitted site plan as areas 'A', 'B', 'D' and 'G'. Area 'A' covers the largest part of the site area. It is now vacant and cleared for development but formerly comprised a number of residential properties. Area 'B' is in the north-west corner of the site and comprises a pair of residential bungalows. Area 'D', in the south-eastern corner of the site, has also been cleared for development but was formerly occupied by a short terrace of maisonettes. Area 'G' is located at the northern end of the site and comprises a row of single storey lock-up garages.
- 1.3 To the north-east, east and south the site is primarily surrounded by residential development, principally comprising two storey terraced housing. Towards the north-west and west of the site are commercial properties, which form part of the Harold Hill Minor District Centre.

### **2. Description of Proposal**

- 2.1 The application will involve the demolition of the remaining buildings within the development site (two bungalows and lock-up garages) and the construction of a new residential development of 72 units, comprising 34 flats and 38 houses, all for affordable rent. The units consist of 18 no. 1 bed flats, 16 no. 2 bed flats, 10 no. 2 bed houses, 18 no. 3 bed houses and 10 no. 4 bed houses.
- 2.2 The layout of the site is essentially split by a primary access route, running on a north/south axis and linking Chippenham Road with the shopping facilities in Farnham Road. To the western side of the site, between the new access and East Dene Drive, the site is split into two clusters of development comprising flatted development fronting East Dene Drive and wrapping around the corners of the site, together with residential dwellings. These effectively form two quadrangles of development on the western side of the site. To the east of the access road are short terraces of residential dwellings, fronting on to the access route, with further short terraces of houses set perpendicular to the main access extending towards the eastern boundary of the site.

- 2.3 The layout places strong emphasis on vehicular, pedestrian and cycle access through the site. The development provides a total of 106 car parking spaces and cycle provision. Parking is arranged through internal courtyards or in curtilage to the front of units, together with some internalised on street parking leading directly off the main access route through the site.
- 2.4 The proposed units range between one and three storeys in height. There is a single pair of bungalows within the development, located to the eastern side of the site (identified on the plans as area 'G'). The units to the eastern side of the main access route through the development are on short terraces, predominantly two storey in height but flanked at either end of the terrace by three storey units. Development on the western side of the site, fronting on to East Dene Drive, is generally three storeys high. To the southern site boundary, fronting on to Chippenham Road, there is a mix of 3, 2 and single storey dwellings, with the taller building at the junction of Chippenham Road and East Dene Drive gradually reducing in scale as the development extends eastwards.
- 2.5 The proposed buildings have a fresh, modern appearance, albeit that they are constructed of traditional materials, such as brick and render and tiled roofs. The modern element of the design is drawn principally from elements such as the asymmetrical roof design, use of floor to ceiling height windows, contrasting entrance porches, glazed balconies and 'pop out' window features, as well as the palette of materials.
- 2.6 The application is accompanied by a suite of supporting documents including a planning statement, design and access statement, transport statement and travel plan, affordable housing statement, flood risk assessment, ecology and arboricultural assessment, daylight/sunlight analysis, contamination ground investigation report and energy reports.

### **3. Relevant History**

- 3.1 There is no previous planning history which is of direct relevance to these proposals. The proposal does however form a part of the Harold Hill Ambitions Programme, further details of which will be explained later in this report.
- 3.2 Z0006.12 Environmental Impact Assessment screening opinion – EIA not required.

### **4. Consultations/Representations**

- 4.1 Prior to submission of the application, the proposals were the subject of pre-application consultation with the local community, including a public exhibition held in May 2012. Following receipt of the application, the proposals have been advertised on site and in the local press as a major development and neighbour notification letters have also been sent to 303 local addresses. Eight letters of representation have been received raising the following issues:

- Development will result in loss of parking for existing residents
- Council has done nothing to deal with this problem
- The green should be turned into a parking area
- Existing green poorly maintained, money raised by the development should pay for new parking and maintenance
- Design of new houses unsightly and don't fit with local character
- Loss of light and privacy
- Noise disruption during building works
- Need adequate boundary protection
- Loss of property value and houses made difficult to sell.

One of the letters of representation supports the proposal as it will create new homes and jobs for local people.

- 4.2 English Heritage (GLAAS) advise that there is potential for hitherto unknown archaeological remains to be affected by the proposal and request a condition to secure archaeological evaluation and mitigation if permission is granted.
- 4.3 Environmental Health request conditions relating to air quality, contaminated land and noise if permission is granted.
- 4.4 Essex & Suffolk Water raise no objection but require new properties to be connected to their existing network.
- 4.5 At the time of writing this report, the Environment Agency object to the proposals on the grounds that an acceptable Flood Risk Assessment has not been submitted and it has not been demonstrated that there is not an increased risk of flooding from surface water.
- 4.6 Highways raise no objections in principle to the 'home zone' design of the road layout but will need to see further information at technical design stage, particularly to make the site entrance visually discrete to deter 'rat running'. It is noted that stopping up of areas of highway land will be required.

## **5. Relevant Policies**

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

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

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

## **6. Background**

- 6.1 This planning application is an important element of the Council's Harold Hill Ambitions Programme (HHA). HHA is a regeneration programme, which commenced in 2008, with the aim of transforming the quality of life and living environment of Harold Hill residents over the next 20 years. One of the key objectives of HHA was to provide improved local housing and this site, together with the Hildene North site, which is the subject of a separate planning application for residential development (reference P1276.12). Although the two applications are separate, the background to these is interlinked.
- 6.2 In 2009 the Council prepared a development brief covering its requirements for the redevelopment of the site and, in 2009, selected developer partners. Whilst it is for Members of this committee to assess the proposals against national and local planning policies, Staff consider that the proposal is, in principle, in line with the objectives of the HHA programme.

## **7. Staff Comments**

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

### **7.2 Principle of Development**

- 7.2.1 The application site is not within a designated land use area and has previously been in residential use. Therefore its redevelopment for residential purposes is considered to be acceptable in principle and to accord with Policy



CP1 of the Local Development Framework (LDF), as well as the objectives of the HHA programme.

- 7.2.2 The former buildings on the site have been demolished and those which remain, but are proposed to be demolished, are of no particular heritage interest. The proposal would contribute to the provision of housing within the Borough and therefore complies in principle with Policy CP1 of the LDF and Policies 3.3 and 3.4 of the London Plan.

### **7.3 Density and Site Layout**

- 7.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare applies. The application site has an area of 1.2 hectares and proposes 72 new dwellings. This equates to a development density of 60 units per hectare, which is above the range specified in Policy DC2. The development density is however not necessarily unacceptable per se if the development is judged to be acceptable in all other material respects. It should further be noted that this site is located in close proximity to the Harold Hill Minor District Centre, so is well served by local facilities, as well as having good levels of access to local bus routes.
- 7.3.2 Of the 72 units, 34 are flats and the remaining 38 units are family housing. There are 18 no. 1 bed units, 26 no. 2 bed units, 18 no. 3 bed units and 10 no. 4 bed units. The development is considered to provide an acceptable mix of unit types and sizes, which complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. Internal unit sizes comply with Policy 3.5 of the London Plan.
- 7.3.4 In respect of site layout, the development is arranged principally around a central access route, which runs north/south, linking Chippenham Road with Hilldene Avenue. The overall concept of the layout, which is based around 'Home Zone' principles, is considered acceptable. The central route is used as the primary vehicles access route but is shared with pedestrian and cyclist use. The proposals show a predominantly hard surfaced layout, using different colour surfacing materials, which are designed to assist in slowing traffic speeds through the development. Although the proposals incorporate a large amount of hard surfacing there is opportunity within the development to soften this with tree planting. The majority of existing trees have been removed from the site, although it is proposed to retain four trees to the Chippenham Road frontage and a row of cypress and white beam to the eastern site boundary. Landscaping proposals indicate that this will be compensated for by the planting of around 45 new trees and Staff are satisfied that this would result in a development of suitably good character and quality. It is recommended that detailed landscape proposals be secured by condition.
- 7.3.5 In terms of amenity space provision, each of the dwellings has its own private rear garden area. These vary in size and depth but typically are between 9m

and 10m in depth. The gardens for the dwellings are well configured, private and useable and are considered to comply with guidance in the Residential Design SPD. The flats have a communal landscaped setting and each of the flats has a decent balcony of at least 1.5m in depth, which also accords with the Residential Design SPD. Additionally, the development makes provision on site for informal play areas with play equipment for 0-5 year olds. The site is within an 800m radius of Central Park, where the Council is intending to upgrade the play facilities. The proposal is therefore considered to have sufficient provision for amenity and play facilities.

- 7.3.6 The units to the Chippenham Road and East Dene Drive frontages of the site are set back from the site boundaries and, particularly in the case of Chippenham Road, respect the existing building line. The units have frontage car parking, combined with soft landscaping, but this is considered to be in keeping with local character. The height and scale of development, ranging from one up to three storeys high is considered compatible with the character of the surrounding area and the higher buildings within the development have been concentrated at the western end of the site where they relate best to the taller scale of neighbouring development. The development makes good use of internal space within the development, incorporating shared surfaces integrated with landscaping. Overall therefore Staff consider that the detailed design and layout of the proposals are acceptable.
- 7.3.7 The Borough Crime Prevention Design Advisor has been consulted on the proposals and it is considered that reasonable measures have been undertaken to make the development as safe as possible. It is however recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 7.3.8 The development is designed to Lifetime Homes standard and 8 of the units are designed to meet wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

#### **7.4 Design and Visual Impact**

- 7.4.1 In terms of scale and massing, the site has a frontage on to Chippenham Road and East Dene Drive and consideration must be given to the impact on the wider streetscene. To the western boundary of the site, fronting East Dene Drive, the development is three storeys high. However, there are elements of four storey development already existing close to this part of the site, including the four storey children's centre building at the junction of East Dene Drive and Chippenham Road, such that the development is not considered to appear materially out of scale and character.
- 7.4.2 In terms of the Chippenham Road frontage, the development starts as three storey in the south-western corner of the site and there is a series of height changes as the development moves down to two storeys, rises up again and then reduces down again, culminating in a pair of bungalows in the south-eastern corner of the site. Staff have no objection in principle to the varying

scale and bulk of the buildings and consider they provide visual interest in the streetscene, whilst respecting local character. Staff do consider that there is a degree of judgement to be made about how successfully the transition in the building heights will be achieved and the resultant visual impact of this. This is essentially a matter for Members to consider and apply judgement. However, examples of 'stepped' development are given in the submitted Design and Access Statement and Staff consider, on balance, that this aspect of the development can work successfully. Staff consider that within the central parts of the site the development will largely set its own character and the units will relate acceptably to each other.

- 7.4.3 Architecturally, the proposed units have adopted a traditional building form and given it a modern twist. Materials are principally proposed to be a light coloured brick with contrasting grey brick entrance porches and 'slate' roof tiles. This palette of materials is different to the reddish brick which prevails in the locality but it is considered that it would be acceptable and give a modern degree of contrast to the prevailing local housing character. The proposed dwellings also have features such as rendered sections, full height glazing and windows of varying form, such as pop out and wrap around windows. Combined with the asymmetrical roof forms and modern glazed balconies to the flats, the proposal is considered to have a bold visual impact but with sufficient traditional elements to complement the locality. Staff consider the development need not necessarily fully reflect the height or architecture of surrounding buildings and would have an acceptable visual impact in its own right. Details of materials are given in the application but it is considered that the submission of samples for approval should be required by condition.

## **7.5 Impact on Amenity**

- 7.5.1 The proposed dwellings on plots 2 and 3 back directly on to nos. 6 -9 Chippenham Close. The proposed dwellings have relatively shallow rear gardens at some 3.5m deep at their shallowest point. They have however been designed as bungalows, with no roof accommodation, giving an eaves height of some 3m and a ridge height of some 6.3m. It is considered that the limited height of the bungalows would prevent them from materially harming neighbouring residential amenity. The dwelling to plot 2 is separated from the nearest property to the north, no. 250 Hilldene Avenue, by an electricity sub-station and is not considered to materially impact the amenity of occupiers of this property.
- 7.5.2 The proposed dwellings on plots 4-11 and plots 40 and 41 back on to dwellings in Chippenham Close. These are predominantly two storey with a pitched roof and no roof accommodation. The dwelling to plot 4 is three storey at the front but drops to two storeys at the rear; it has a bedroom in the roof space but no rear facing roof windows. All of the dwellings to these plots have rear garden depths of at least 9m and Staff consider that this is sufficient to prevent a materially overbearing impact or loss of privacy to occupiers of neighbouring property.

- 7.5.3 Existing dwellings at 141 and 197 Chippenham Road adjoin the eastern boundary of the site. The flank wall of the proposed house on plot 41 will have some impact on the outlook from the rear garden of no. 197 Chippenham Road but as it is set in some 3m from the boundary of the site this is considered sufficient to acceptably mitigate the impact. Plots 12 & 13 are designed as two storey houses. The dwelling to plot 12 does have a somewhat tight relationship to the neighbouring dwellings at 141 and 197 Chippenham Road. However it is considered, on balance, that the relationship is acceptable as the property lies towards the end of these neighbouring gardens, is set in from the boundary and any degree of overlooking/interlooking would be at oblique angles.
- 7.5.4 The proposed development will largely enclose the rear garden areas of existing dwellings at 137-139 Chippenham Road. In terms of plots 16-19, 21 and 22, these are two storey houses with garden depths of between 9m and 10m and Staff consider that this is sufficient to prevent a materially overbearing impact or loss of privacy to occupiers of neighbouring property. The proposed dwellings to plots 23 and 24 are designed as bungalows and are considered to have an acceptable relationship to the neighbouring properties due to their single storey nature. The dwellings on plots 12 and 3 are two storeys; plot 12 faces towards the two storey end elevation of no. 139 Chippenham Road, preventing direct overlooking and plot 13 has a rear garden depth of some 9m to the boundary of no. 139 Chippenham Road. Although it is acknowledged that the outlook and environment around the existing pair of houses at 137 & 139 Chippenham Road will be markedly different from what previously existed Staff are satisfied, on balance, that the proposed development will still retain an acceptable quality living environment for neighbouring residents. Staff have requested additional shadow tracking and daylight assessment be carried out in respect of the impact of the development on these properties. The assessments are considered to support the view that, although there will be some shading of the neighbouring garden, it would be within acceptable limits and a material loss of daylight to habitable rooms would not occur, such that this does not constitute material grounds for refusal.
- 7.5.5 The proposed development is sufficiently far removed from other dwellings in Chippenham Road not to materially impact on amenity. The only properties that are reasonably close are the flats above shops at 91-105 Chippenham Road, which have flank windows facing east towards the application site. The separation distance between these flank windows and the nearest front elevation within the proposed development is in the region of 17m, which is considered to be sufficient to maintain neighbouring amenity. With regard to East Dene Drive there are no residential properties sufficiently close to the site to be materially affected.
- 7.5.6 The proposal is not therefore considered to result in material harm to the amenity of local residents and to comply with LDF policy DC61. Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots (such as

the relationship of plots 20/21 and 34/35 with plot 36). Staff have however secured revisions to the layout, which increases the rear garden depths of the relevant plots. Whilst the siting of a two storey flank wall directly on the rear boundary of proposed dwellings is not ideal, in view of the increased garden depths Staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions.

## **7.6 Environmental Issues**

7.6.1 The application site is located in Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted and concludes that the development is appropriate in flood zone 1. At the time of writing this report the Environment Agency have objected to the proposals on the grounds that the risk of surface water flooding has not been adequately addressed. Members will be updated on this issue verbally.

7.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.

7.6.3 Environmental Health have advised that an air quality assessment will be required owing to the number of parking spaces within the development. It is proposed to deal with this by a condition requiring the submission of a travel plan aiming to reduce private car use as a more practical means of encouraging a reduction in air pollution.

7.6.4 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that the development will achieve a minimum meet Code for Sustainable Homes Level 4. It is recommended that the aims of these statements be secured by condition but the condition will require a minimum of Code level 3 to accord with current LDF policy.

7.6.5 An ecology assessment has been submitted with the application. There is no indication of the presence of any rare or protected species, including bats on the site. The report does make recommendations relating to the impact of development on nesting birds and opportunities for bio-diversity enhancement. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report .

7.6.6 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

## **7.7 Parking and Highway Issues**

7.7.1 The proposal provides a total of 106 parking spaces, which has been marginally reduced from the 107 spaces originally proposed to improve accessibility for refuse vehicles using the site. The amount of parking

provided equates to a ratio of 1.47 spaces per dwelling. This is marginally under the required parking standard of 2-1.5 spaces per unit but to an extent that is negligible and Highways have advised that the amount and configuration of the parking is acceptable on this site. The proposals make provision for cycle parking, which shall be secured by condition.

- 7.7.2 Highways raise no objections in principle to the road layout within the development and are supportive of the 'home zone' principles adopted within the layout. The scheme has been revised slightly in line with Highway requests to widen the access from Chippenham Road, improve some of the parallel parking bays, ease access for refuse vehicles and to deter 'rat running' through the site. It is intended that the access through the site will be generally level, affording pedestrians and cyclists equal priority with vehicular use. The proposal will however make use of raised tables at the site entrance and in the centre of the site and the use of contrasting paving colours to control traffic speeds. Staff are satisfied that the proposal is suitably safe and functional in terms of vehicular, pedestrian and cycle access.

## **7.8 Affordable Housing**

- 7.8.1 The application provides a total of 72 units, of which it is proposed that all will be provided as affordable rented accommodation. The development proposed is therefore 100% affordable housing and would be in excess of the minimum requirement of 50% affordable housing required by national and local planning policies. The amount of affordable housing proposed would need to be secured through S106.
- 7.8.2 As part of the ongoing objectives of the Harold Hill Ambitions Programme, the Council has been insistent that the redevelopment of this and the nearby Hilldene 'North' site achieves predominantly mixed tenure housing with the majority of homes being social units for rent. The proposal is consistent with these objectives and is therefore supported in principle by the LBH Housing Service. Ten units within the scheme are also wheelchair fitted and the proposals, which consist of a mix of two, three and four bed houses and flats is considered to fit well with established demand for affordable housing in Havering.

## **7.9 Infrastructure**

- 7.9.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £432,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

## **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 5753m<sup>2</sup> which equates to a Mayoral CIL payment of £115,060.00.

8.2 However, as the development is entirely proposed as affordable housing, it is open to the applicants to make an application for social housing relief. The development will not be liable for CIL if the development remains entirely affordable.

## **9. Conclusion**

9.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. Staff further consider the design, scale, bulk and massing of the proposed buildings to be acceptable. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues. The proposal is considered to be consistent with the aims and objectives of the Harold Hill Ambitions Programme.

8.2 The proposal makes provision for affordable housing within the development in excess of the requirements of local and national planning policy and will include a requirement to meet infrastructure costs associated with the development in accordance with the draft Planning Obligations SPD. The proposal is therefore judged to be acceptable, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

The application site comprises land which was in the ownership of the Council.

### **Legal implications and risks:**

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

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

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

community. The development accords with the objectives of the Harold Hill Ambitions programme, which seeks to promote equality of opportunity to all residents of the Borough.

## **BACKGROUND PAPERS**

Application forms and plans received 23 October 2012; revised plans received 13 and 17 December 2012.



# REGULATORY SERVICES COMMITTEE

# REPORT

10 January 2013

<b>Subject Heading:</b>	Application for the Stopping Up of Highway Land adjacent to 11 Roding Way, Rainham, Essex RM13 9QD (OS 553595, 183177; 553609, 183181; 553612, 183159; 553603, 183165)  (Application received 24 <sup>th</sup> September 2012)
<b>Report Author and contact details:</b>	Alexander O'Dwyer, 01708 432468 Alexander.odwyer@havering.gov.uk
<b>Policy context:</b>	Local development Framework
<b>Financial summary:</b>	None

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

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

## SUMMARY

1. This report relates to an application received on 24<sup>th</sup> September 2012 for the stopping up of highway to enable the development of land pursuant to a

planning permission (planning reference P0246.12). The planning permission (planning reference P0246.12) dated 24<sup>th</sup> September 2012 involves the extension of residential curtilage to 11 Roding Way, Rainham and erection of a boundary fence involving some encroachment on public highway land (“the Planning Permission”).

- 1.1 The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (entitled ‘Land Adjacent to 11 Roding Way, Rainham, Essex RM13 9QD - Stopping Up Plan’) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

## **RECOMMENDATIONS**

2. Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-
  - 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
  - 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
  - 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
  - 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

## REPORT DETAIL

- 3.1 On 29 May 2012 the Council resolved to grant the Planning Permission, under delegated authority, (planning reference P0246.12) for development comprising the extension of residential curtilage to 11 Roding Way, Rainham and erection of a boundary fence. The Planning Permission was issued on 29 May 2012.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up measures approximately 183 square meters and lies adjacent to numbers 11 and 13 Roding Way, Rainham. The boundary points of this section of land are: (a) OS grid reference point 553595, 183177; (b) OS grid reference point 553609, 183181; (c) OS grid reference point 553612, 183159; (d) OS grid reference point 553603, 183165.
- 3.3 The development involves building on land which includes areas of adopted highway (footway, maintained verge and access road). In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

### 4.2 Legal implications and risks:

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

### 4.3 Human Resources implications and risks:

None directly attributable to the proposals.

### 4.4 Equalities implications and risks:

None directly attributable to the proposal.

## BACKGROUND PAPERS

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate development to extend the residential cartilage of 11 Roding Way, Rainham and erection of a boundary fence pursuant to the Planning Permission (reference P0246.12). It is therefore recommended that the necessary Order is made and confirmed.

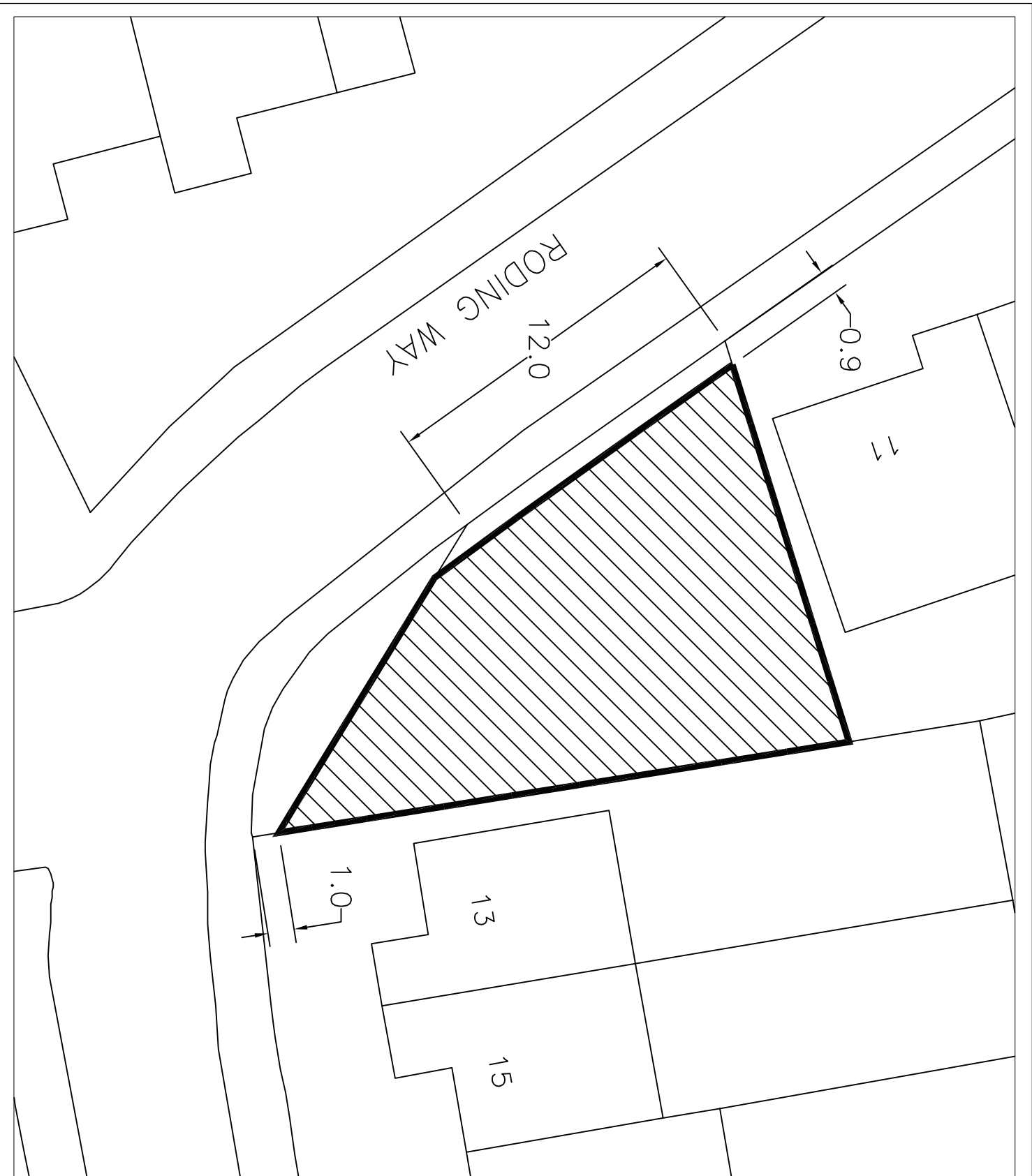
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**CHERYL COPPELL**  
Chief Executive

### **Background Papers List**

1. Officer Report for Decision under Delegated Authority dated 29<sup>th</sup> May 2012 which granted planning permission under planning reference P0246.12
2. Plan (entitled 'Land Adjacent to 11 Roding Way, Rainham, Essex RM13 9QD - Stopping Up Plan') showing the area to be stopped up

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**PURPOSE** INFORMATION

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 London Borough of Havering 100024527

**NOTES**



AREA SUBJECT TO STOPPING UP APPLICATION

REVISION	AMENDMENT	DATE

**JOB TITLE**  
 LAND ADJACENT TO 11 RODING WAY  
 RAINHAM, ESSEX RM13 9QD

**DRAWING TITLE**  
 STOPPING UP PLAN

**STREETCARE**  
**CULTURE & COMMUNITY**

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