



Havering

L O N D O N B O R O U G H

REGULATORY SERVICES COMMITTEE AGENDA

| | | |
|----------------|-------------------------------------|---|
| 7.30 pm | Thursday 31 January 2013 | Havering Town Hall, Main Road, Romford |
|----------------|-------------------------------------|---|

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

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

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

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E-mail: richard.cursons@havering.gov.uk

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 12)

To approve as a correct record the minutes of the meetings of the Committee held on 29 November and 6 December 2012 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 13 - 40)

- 6 **P1128.12 - FORMER BOYD HALL, ST MARY'S LANE, UPMINSTER** (Pages 41 - 60)
- 7 **P1007.12 - LAND AT HENDON GARAGES, HENDON GARDENS** (Pages 61 - 78)
- 8 **P1416.12 - MAGALA** (Pages 79 - 92)
- 9 **P1354.12 - WINIFRED WHITTINGHAM HOUSE, BROOKWAY, RAINHAM** (Pages 93 - 114)
- 10 **P1296.12 - OPPOSITE 1 & 3 CRAVEN GARDENS, COLLIER ROW** (Pages 115 - 128)
- 11 **SUSTRANS CONNECT 2 PROJECT** (Pages 129 - 134)
- 12 **URGENT BUSINESS**

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

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

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
29 November 2012 (7.30 - 8.45 pm)**

Present:

COUNCILLORS: 9

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Sandra Binion, Jeffrey Brace, Robby Misir,
Wendy Brice-Thompson and Frederick Thompson

Residents' Group Linda Hawthorn and Ron Ower

Labour Group

**Independent Residents
Group**

Apologies were received for the absence of Councillors Mark Logan and Paul McGeary.

+Substitute members: Councillor Wendy Brice-Thompson (for Garry Pain) and Councillor Frederick Thompson (for Fred Osborne).

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

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

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

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

112 **MINUTES**

The minutes of the meeting held on 25 October 2012 were agreed as a correct record (subject to the inclusion of the names of Councillors Wendy Brice-Thompson and Frederick Thompson as substitute members and of Councillor Steven Kelly as also attending), and signed by the Chairman.

113 DISCLOSURES OF PECUNIARY INTERESTS

Councillor Sandra Binion declared a non-pecuniary interest in application P0976.12 (minute 114 following). Councillor Binion informed the Committee that she knew the applicant and regarded the interest to be prejudicial to her ability to consider the application.

114 P0976.12 - 24 GREENOCK WAY

The report before members detailed an application for a two storey, hipped roof, semi-detached house with a garage to the rear with one off-street parking space available to the front of the garage.

The application was deferred from the Regulatory Services Committee meeting on 15 November 2012 to allow members to visit the application site.

Committee members noted that the application had been called in by Councillor Michael Armstrong on the grounds of the impact on the streetscene, size and mass.

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

With its agreement, Councillor Michael Armstrong addressed the Committee. Councillor Armstrong commented that he had called the application in on the grounds of width, bulk and mass. Councillor Armstrong explained that he felt the proposed extension to be visually intrusive on the streetscene and would have a detrimental impact on the current residents of Greenock Close. Councillor Armstrong asked that the Committee reject the scheme for the above reasons.

During the debate members discussed the possible visual intrusion the proposed extension would have on the streetscene and also discussed comparable schemes that had been approved elsewhere in the borough.

The report recommended that planning permission be granted, however following a motion to refuse, it was proposed that planning be refused on the grounds of visual intrusion on the streetscene, overdevelopment and impact on neighbouring properties.

The vote for the motion to refuse planning permission was lost by 4 votes to 4 with the Chairman exercising his casting vote. Councillors Hawthorn, Ower, Misir and Brice-Thompson voted for the motion to refuse planning permission. Councillor Oddy, Thompson, Tebbutt and Brace voted against the motion to refuse planning permission.

The vote for the resolution to grant planning permission was lost by 4 votes to 3 with 1 abstention. Councillors Oddy, Tebbutt and Brace voted for the resolution to grant planning permission. Councillors Brice-Thompson, Misir,

Hawthorn and Ower voted against the resolution to grant planning permission. Councillor Thompson abstained from voting. There was, accordingly, no decision upon the application.

The Chairman indicated that, in view of the lack of agreement upon it, the matter would be brought back to the next appropriate meeting of the Committee for further consideration and debate.

As stated at the beginning of the minutes and in accordance with her disclosure of interest, Councillor Sandra Binion left the meeting during the discussion and took no part in the voting.

115 **P0063.12 - LEPRECHAUN, GERPINS LANE, UPMINSTER**

The report before members detailed a planning application for the creation of a curtilage and garden area for an existing bungalow. The existing bungalow did not enjoy the benefit of a valid planning permission as the foundation for the bungalow were laid slightly outside the time-limits applicable under the original outline planning permission and subsequent approval of reserved matters. An application for a certificate of lawfulness had been submitted for the bungalow together with this application in order to tie the residential curtilage to the bungalow.

During the discussion members clarified the details of the residential curtilage and discussed the possibility of including a landscaping condition.

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

The vote for the resolution was carried by 8 votes to 0 with 1 abstention. Councillor Brace abstained from voting.

116 **P1080.12 - 39 WOOD LANE, HORNCHURCH**

Following a brief debate it was **RESOLVED** that the matter be deferred to allow Committee members to visit the site.

117 **P1084.12 - 26 CURTIS ROAD, EMERSON PARK, HORNCHURCH**

The application before members sought permission for the demolition of an existing chalet bungalow and garage and the construction of a replacement detached dwelling and the erection of front and side boundary walls.

It was noted that the application had been called in by Councillor Barry Tebbutt on the grounds that there had previously been discussions by the Committee about properties that were large in bulk and mass, whereby the preferred siting was a corner plot. Also, a building which had a large mass

and bulk was visually less obtrusive as a corner plot. The donor property was granted planning permission for extensions that were extensively the same footprint as the new property. A discussion was required as to whether the mass, height and bulk as a corner plot in the street scene was acceptable.

During the debate members discussed the high build quality of the proposed dwelling and noted that there had been several letters of support for the development.

Members noted that a Mayoral CIL contribution of £3,973.20 was liable for the proposed development.

The report recommended that planning permission be refused, however following a motion to grant planning permission it was **RESOLVED** that planning permission be granted subject to the inclusion of planning conditions. The Committee delegated authority to the Head of Development and Building Control to include appropriate planning conditions, including conditions relating to removal of permitted development rights (extension and roof alterations only), boundary treatment, secure by design, landscaping, hours of construction, visibility splays plus other visuals.

118 **P1138.12 - HORNCHURCH COUNTRY PARK, SQUADRONS APPROACH**

The report before members detailed an application for the erection of a visitor and education centre in Hornchurch Country Park, on land off Squadrons Approach. The application was brought to the Committee as the application site was on Council owned land.

Members noted that 1 late letter of representation had been received.

It was also noted that the Council's Environmental Health team were recommending a minor change to the wording of the contamination condition.

During a brief debate members discussed the possibility of installing lighting along the entrance road to the centre. Officers advised that the limited budget available to fund the development would not be able to fund the long run of lighting that would be needed.

It was noted that the proposal may be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be approximately £8,200.00, unless an exemption was granted.

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

119 **P1047.12 - LAND TO THE REAR OF 223-233 BRENTWOOD ROAD, ROMFORD**

Members noted that a Mayoral CIL contribution of £27,800 was liable for the proposed development and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

The Committee delegated to the Head of Development and Building Control authority to grant planning permission subject to the completion of the above legal agreement, and planning conditions as set out in the report.

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
6 December 2012 (7.30 - 8.10 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group +Clarence Barrett and Nic Dodin

Labour Group Paul McGeary

Independent Residents Group +David Durant

Apologies were received for the absence of Councillors Fred Osborne, Linda Hawthorn, Ron Ower and Mark Logan.

Substitute members; Councillr Steven Kelly (for Fred Osborne), Clarence Barrett (for Ron Ower), Nic Dodin (for Linda Hawthorn) and David Durant (for Mark Logan)

Councillors Robert Benham and Pat Murray were also present for parts of the meeting.

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

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

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

119 MINUTES

The minutes of the meeting held on 15 November 2012 were agreed as a correct record and signed by the Chairman.

120 P0641.12 - DEVONSHIRE HOTEL, 94 STATION LANE, HORNCHURCH

The report before members detailed an application for a single-storey bed and breakfast building to the rear of the property to contain 5 bedrooms. It

also included minor alterations to the ground floor of the existing bed and breakfast to provide an enlarged reception area with a lounge/hotel bar, which would result in the loss of one existing bedroom from the existing hotel building. The overall increase was 4 bedrooms, totalling 16.

Members noted that the application had been called in by Councillor Robert Benham on the grounds that it was appropriate for the Committee to take into account the merits of the hotel and business expansion and that a precedent had been set by similar development proposals.

With its agreement, Councillor Benham addressed the Committee. Councillor Benham advised that future Council funding would rely more heavily on the collection of business rates and therefore it was important to promote local businesses. Councillor Benham also advised that the business was a high quality family run business that was served well by public transport and urged the Committee to grant planning permission.

During the debate members discussed issues relating to car parking, noise control and possible erection of fencing and trees.

The report recommended that planning permission be refused; however following a motion to grant planning permission, it was **RESOLVED** that planning permission be granted subject to the following Reasons for Approval and planning conditions the precise wording of which were to be delegated to the Head of Development and Building Control to settle:-

Reasons for Approval:

The Design of the proposal is acceptable in terms of development plan policy DC 61 of the Local Development Framework and any significant impact of noise and disturbance can be mitigated by planning conditions

Planning Conditions:

1. Standard Time Condition
2. Materials
3. Restriction on use - Use only as bedrooms ancillary to main hotel and not for any other use or for any other hotel purposes other than as bedroom accommodation ancillary to the hotel.
4. Scheme of landscaping to be submitted to and approved by the Local Planning Authority prior to first occupation and the approved scheme be implemented in the next planting season thereafter.
5. Scheme to control noise generated by use of the bedrooms to be submitted to and approved by the Local Planning Authority and the approved scheme implemented prior to first occupation
6. No new openings to rear whether doors, windows or alternative means of ventilation to be inserted in the rear elevation of the proposed bedroom accommodation.
7. Prior to the firsts occupation a scheme to address delivery to the proposed bedroom accommodation shall be submitted to and

approved by the Local Planning Authority and the approved scheme implemented prior to first occupation.

8. Prior to the first occupation a scheme of external lighting shall be submitted to and approved by the Local Planning Authority and the approved scheme implemented. prior to first occupation
9. Prior to the first occupation a scheme of parking associated with the bedroom accommodation shall be submitted to and approved by the Local Planning Authority and the approved scheme implemented. prior to first occupation

The vote on the motion to approve and the subsequent resolution to grant planning permission were carried by 9 votes to 0 with 2 abstentions. Councillors Binion and Barrett abstained from voting.

121 **P0777.12 - THE WILLOWS, HUBBARDS CLOSE, HORNCHURCH**

The Committee noted that the application had been called in by Councillor Barry Tebbutt who asked that this be minuted as it had not been shown in the report.

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

The vote for the resolution was carried by 10 votes to 0 with 1 abstention. Councillor Steven Kelly abstained from voting.

122 **P1076.12 - 233 HIGH STREET, HORNCHURCH**

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

The vote for the resolution was carried by 10 votes to 0 with 1 abstention. Councillor Barry Tebbutt abstained from voting.

123 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The report updated the Committee on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

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

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 18 August 2012 and 9 November 2012

The report detailed that 27 new appeals had been received since the last meeting of the Monitoring Committee in September 2012.

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

125 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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

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

126 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

127 **PLANNING CONTRAVENTION - SUTTONS FARM, TOMKYNS LANE, UPMINSTER**

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require that within 3 months of the effective date of the notice:

1. Reduce the height of the boundary walls, brick pillars, fencing, and gates on the land at Suttons Farm, Tomkyns Lane, Upminster (which is shown between points A and B on a plan annexed to this report) to maximum of 1m in height where they are adjacent to highway and to a maximum of 2m in height elsewhere.
2. Restore those parts of the Land (which is shown cross-hatched on a plan annexed to this report) upon which the patio and sunken garden were constructed to its previous condition.
3. Remove all materials from the property resulting from compliance with the above requirements

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

128 **PLANNING ENFORCEMENT - SCHEDULE OF COMPLAINTS**

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 18 August 2012 and 9 November 2012.

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

Chairman

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Regulatory Services Committee

31 January 2013

| Page No. | Application No. | Ward | Address |
|----------|-----------------|------------------|--|
| 1-4 | P0986.12 | South Hornchurch | 90 Rainham Road, Rainham |
| 5-10 | P1052.12 | Pettits | 32 Pettits Close, Romford |
| 11-16 | P1275.12 | Gooshays | School House, Community Centre, Church Road, Noak Hill |
| 17-21 | P1358.12 | Upminster | Coopers Company & Coborn School, St Mary's Lane, Upminster |
| 22-26 | P1415.12 | Emerson Park | 77-79 Butts Green Road, Hornchurch |

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REGULATORY SERVICES COMMITTEE

31st January 2013

| | | |
|-------------------------|---|---|
| APPLICATION NO: | P0986.12 | |
| WARD : | South Hornchurch | Date Received: 7th September 2012 Expiry Date: 2nd November 2012 |
| ADDRESS: | 90 Rainham Road Rainham | |
| PROPOSAL: | First floor smoking shelter to existing rear flat roof. | |
| DRAWING NO(S): | 2590.01 | |
| RECOMMENDATION : | It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report. | |

CALL-IN

Councillor Rebecca Bennett has requested that, in the event that the application is recommended for refusal, that it be brought before the Regulatory Services Committee. It is considered that the proposed smoking shelter would help to reduce the nuisance caused in the local area by smokers congregating at the front of the host building.

SITE DESCRIPTION

The site comprises a detached building located on the northern side of Rainham Road, with a 3 storey frontage onto the public highway, and a single storey element to the rear. The single storey element has various plant and structures located on top of it, including air conditioning units, barriers, access stairs, and a metal-clad smoking shelter, which was the subject of a refused application. The surrounding locality is designated as a Major Local Centre, and is characterised by commercial activity along the main cross roads.

The building is commercial in use with A1 and A5 retail units to the ground floor and a restaurant above on the first. Residential accommodation is located on the second floor. There is a bungalow located immediately adjacent to the host building, on its western side.

DESCRIPTION OF PROPOSAL

This planning application proposes the siting of a metal-clad smoking shelter to the rear of an existing restaurant, at first floor level. The shelter would be located in the open air, on the roof of a single storey element at the rear of the host building.

The structure would measure 2.2m x 2m in area and would have a height of approximately 2.2m. The shelter would be located 3m from the edge of the host building's roof, beyond which residential properties are located.

It is understood that, should planning permission be granted in this case, that the current smoking shelter would be dismantled and a new one erected in the proposed location. The proposed smoking shelter would have a smaller footprint (approximately 50% smaller), but would be similar in height to the existing structure.

RELEVANT HISTORY

The previous planning decision of most relevance to the proposal is as follows:

P1322.10 - Retrospective permission for first floor smoking shelter to existing rear flat roof -

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Refused for the following reasons:

"1. The development would, by reason of noise and disturbance caused by customers using the smoking shelter, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

2. The development would, by reason of its height and bulk on the boundary, appear as an unacceptably dominant and visually intrusive feature on the existing building harmful to the appearance of the surrounding area contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD."

A subsequent appeal (Reference: APP/B5480/A/11/2152026) was dismissed on the grounds of visual intrusion and noise-related impacts.

The Local Planning Authority has been unable to find any evidence of planning permission having been granted for the restaurant to which this planning application relates.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 10 properties. 2 objection letters have been received from neighbouring occupiers, objecting on the following grounds:

- The proposal would result in a noise nuisance;
- The proposal would be visually unacceptable;
- There are no safety barriers on that part of the roof and the proposal could therefore result in accidents.

RELEVANT POLICIES

Policy DC61 (urban design), of the LDF Core Strategy and Development Control Policies DPD ("the LDF").

STAFF COMMENTS

The red line on the submitted site plan does not embrace the area of land on which the proposed smoking shelter would be located. Despite several attempts, it has not been possible to contact the applicant. However, it is considered that the red line area, as drawn, would not prejudice the Council's ability to determine the application.

The main issues are considered to be the impacts on visual and residential amenity.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish the visual amenities of the local area.

A neighbouring occupier has objected to the proposal on the grounds that it would result in an adverse visual impact in the local area. A previous application, which was refused by both the LPA and the Planning Inspectorate, was refused, in part, on the grounds that it would have an adverse impact on visual amenity. Whilst the proposal would be smaller in terms of its footprint, it would be virtually the same in terms of its height, to the existing (refused) shelter. Moreover, the proposal would now be 3m nearer to public viewing points to the east. Whilst the existing roofscape is characterised by visual clutter, this is not a justification for adding further clutter, and it is considered that the proposal, owing to its elevated position, scale and design, would be

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detrimental to the visual amenities of the local area.

In terms of its visual impact, it is considered that the proposal would be contrary to Policy DC61 of the LDF.

IMPACT ON AMENITY

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

Neighbouring occupiers have objected to the proposal on the grounds that it would result in a noise nuisance. A previous application, which was refused by both the LPA and the Planning Inspectorate, was refused, in part, on the grounds that it would have an adverse impact on the amenity of neighbouring occupiers, particularly the occupiers of No.92 Rainham Road, whose rear garden runs alongside the host building. The current application proposes siting the proposed shelter 3m further to the east, away from this neighbouring property. However, it is considered that this separation distance would be insufficient to overcome the previous reason for refusal. The use of the smoking shelter, particularly late at night, is likely to result in noise that would be audible in the rear garden environments of neighbouring properties. Moreover, no structures are proposed to prevent users of the shelter drifting on to other parts of the roof, which could result in additional amenity impacts, such as overlooking.

The afore mentioned refusal also referred to a detrimental impact on neighbouring occupiers owing to the loss of outlook resulting from the addition of a new structure alongside the roof edge. As the proposal has been moved 3m to the east and would be smaller, it is no longer considered that there would be a significant adverse impact on the outlook of neighbouring occupiers. The western side of the roof does not include safety barriers, and it is therefore likely that additional fencing would be required in future to prevent those who would traverse the roof from falling. It is considered that barriers could be added without harming the amenity of neighbouring occupiers, however, the potential for overlooking and additional noise, as mentioned, would be a concern.

In terms of its impact on residential amenity, given the nature of the proposal, including its siting, scale, and design, and that it could encourage users to drift on to other parts of the roof, it is that it would result in significant adverse noise impacts and potentially overlooking to neighbouring occupiers. The proposal is therefore considered to be contrary to Policy DC61 of the LDF.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would result in significant adverse impacts on amenities of neighbouring occupiers and on visual amenities of the local area. The proposal is therefore considered to be unacceptable, having had regard to Policy DC61 of the LDF and all other material considerations.

RECOMMENDATION

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

2. Reason for refusal - Noise and Disturbance: A3 Use

The development would, by reason of noise and disturbance caused by customers using the smoking shelter, particularly during the evening hours of operation, and potential overlooking, be unacceptably detrimental to the amenities of occupiers of

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adjacent properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

1. Non standard condition

The development would, by reason of its siting, scale, and design, appear as a visually intrusive feature on the host building, and would be harmful to the appearance of the surrounding area, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P1052.12 | |
| WARD : | Pettits | Date Received: 28th August 2012 Expiry Date: 23rd October 2012 |
| ADDRESS: | 32 Pettits Close Romford | |
| PROPOSAL: | Two storey side and rear extension with new front entrance and window with canopy over to front elevation. Revised Plans Received 05.10.2012 | |
| DRAWING NO(S): | PJ/12/01, PJ/12/03, Location Plan PJ/12/02 Rev A | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

CALL-IN

The application has been called in by Councillor Michael Armstrong on the basis that the proposal is overbearing on the properties at the back of the property.

BACKGROUND

This planning application was brought before Members on 25th October, 2012 and was deferred to allow further information to be gathered. The required information is as follows:

a) Whether the existing laurel hedge and mature tree in the garden of No.179 Parkside Avenue would be adversely affected by the proposal and whether any adequate controls can be applied in order to prevent damage to these.

The proposed development would be located on land that is in the ownership of the applicant; the tree and hedge referred to are located within a neighbouring property. There would be no intention on the part of the applicant to remove or damage this vegetation, however, to the extent that it might over hang the applicant's property, the applicant would be entitled to cut the vegetation back if this were deemed necessary as part of the building works, and this would not be a planning matter, particularly given that the tree and vegetation do not benefit from any formal protection. Any potential damage to the root systems of this vegetation, which might enter the applicant's site, would not be a planning consideration.

b) Whether the mature tree in 179 Parkside Avenue would potentially cause damage to the new extension.

In the long run, it would be for the occupiers of No.179 to ensure that their tree does not cause damage to a neighbouring property above ground. This is a civil, rather than a planning, matter. The root systems of trees can also cause damage to buildings, particularly where certain soil conditions prevail. Building Control may therefore require that the foundations of the proposal be designed so as to mitigate against this.

c) The impact of the proposed extension, including its affect on outlook and overlooking, in respect of 177 Parkside Avenue.

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Photographs have been taken from the rear of No.177 for Members' consideration. Officers consider that, given its siting, scale and design, that the proposal would not result in any significant adverse impacts on the amenity of the occupiers of No.177, in terms of outlook, loss of privacy, or loss of daylight.

d) Information regarding the height of the fence between Nos. 30 and 32 Pettits Close.

The fencing is approximately 2m in height along its full length, even where there are changes in ground levels. Photographs will be provided at Committee.

e) Photographs of the application site from No.177 Parkside Avenue.

Photographs will be provided for the consideration of Members during the Committee meeting.

f) More specific information as to the position of the proposed extension when viewed from 179 Parkside Avenue.

It is very difficult to produce accurate photo montages, however, there is sufficient information on the submitted plans and the photographs taken on site, to allow officers to give an idea of the proposal's depth using a photograph.

SITE DESCRIPTION

The subject dwelling is a two-storey, semi-detached dwelling with a facing brick appearance and a tiled roof. The dwelling has an existing single garage in the rear garden and three further parking spaces on a hardstanding to the front and side of the property. The flank southern boundary slants away from the property as it runs backwards from the street.

The dwelling is located at the end of a cul-de-sac. The dwelling is set approximately 0.5m higher than the attached neighbour. Surrounding dwellings are predominantly two storey semi-

DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of the garage and the construction of two storey side and rear extensions.

The two storey side extension would step out at ground floor level, to take into account the slant of the flank boundary. It would measure 2.84m wide at the front and 3.3m wide at the rear, by 8.6m deep. At first floor level the extension would have a consistent flank building line and would measure 2.84m wide by 7.6m deep, being set back from the front building line by 1m. The roof would be hipped, with an eaves height of 5.45m and a ridge height of 7.7m. The extension would comprise a single garage and utility room at ground floor level and a bedroom and en-suite bathroom at first floor level.

The rear extension would partially sit behind the side extension, and partially behind the original dwelling, being set off the boundary with the attached neighbour by 3m. The extension would measure 3m deep at first floor level and 3.45m deep at ground floor level, by 5.65m wide by 5.45m high to the eaves. The roof would be set at 90 degrees to the main roof and finished with a hipped end, with a ridge height of 7.15m. The extension would comprise a fourth bedroom and a kitchen.

A 0.6m deep, 2.4m high canopy with a pitched roof would be erected over the garage and front

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doors.

RELEVANT HISTORY

No relevant history

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were notified of the application; objections have been received from 3 neighbouring occupiers. The concerns raised were as follows:

1. The double storey rear extension, by way of its excessive depth and height would be intrusive, oppressive and unneighbourly, giving rise to an unacceptable sense of enclosure to the rear garden of no. 179 Parkside Avenue.
2. The scale of the proposal would have a detrimental impact on the visual amenity of the rear garden environment
3. The applicant runs a commercial business from the property
4. During construction, delivery and construction vehicles would damage the Close and cause traffic, parking and noise problems.
5. The dimensions of the proposed extensions would be in contrast to other properties in the Close
6. The proposed extension will reduce parking at the subject site, resulting in parking problems in the Close.
7. The extensions are over large and would be overbearing
8. The rear extension would result in an unacceptable loss of sunlight to No. 30.
9. Construction could result in drainage problems that would affect neighbouring properties

In reference to point 3, this allegation has been investigated by the enforcement team, and, based on the evidence and information available, it appears that no material change of use has taken place.

Staff note that points 4 and 9 are not valid planning considerations. The remaining issues raised

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

CIL Liable: No

STAFF COMMENTS

The issues that need to be considered when determining the application are the design and impact on the street and garden scene; the impact upon the amenity of neighbouring residents and the impact upon parking and highways.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed two storey side extension has been designed as suggested in the SPD, with a 1m set back at first floor level, thus ensuring a lower roof line. This design feature, along with the modest width of the extension in comparison to the subject dwelling means that the side

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extension would be subservient to the subject dwelling. This would prevent the extension dominating the streetscene or unbalancing the pair of semi-detached properties. Staff therefore consider the proposed side extension would have an acceptable impact on the streetscene.

The proposed two storey rear extension also complies with the policies in the SPD. The first floor element has been restricted to 3m in depth and the ground floor element restricted to less than 4m in depth. The roof would be set at 90 degrees to the main roof and finished with a hipped end. The width of the extension is also considered to be proportionate to the main dwelling and staff consider it would not appear overly bulky or dominant within the rear garden environment.

IMPACT ON AMENITY

The proposed development would have a certain amount of impact on two neighbours, the attached neighbour at No. 30 Pettits Close and No. 179 Parkside Avenue, which is situated at a 90 degree angle to the subject site.

The side extension would not be visible to the attached neighbour at No. 30, but the proposed rear extension would project beyond the rear building line of No. 30. The extension would be located to the south of No. 30 and therefore would result in some loss of light. However, the rear building line of No. 30 currently projects approximately 1.2m beyond the rear building line of the subject dwelling, therefore the proposed rear extension would only project beyond the rear building line of No. 30 by 1.8m. As the proposed rear extension would be set 3m away from the boundary with No. 30, the extension would not break an angle of 30 degrees taken from the corner of No. 30. Despite the orientation, this shallow angle leads staff to consider that the impact of the proposal on No. 30 would be within acceptable limits.

No. 179 is located at a 90 degree angle to the subject dwelling, so the proposed rear extension would be located just beyond the rear boundary of this property. As a result of a previous extension to No. 179, the rear garden of No. 179 is approximately 12.5m deep. Staff consider that, to a certain extent, the extension would create a sense of enclosure and would appear overbearing to the occupiers of No. 179. However, the extension would be set off the slanting boundary by a distance of 0.25m at the front, increasing to 1.15m at the rear, and the relationship between the proposed extension and No. 179 is not uncommon within the area. Separation distances of 12m are considered to offer sufficient protection against two storey properties appearing unacceptably overbearing, particularly where the roof is hipped away from neighbouring properties, as is the case with this proposal. The extension would be located to the north west of No. 179, so there would be little loss of direct sunlight. After careful consideration of the above points, and given the presumption in favour of development, it is considered that the impact of the proposal on No. 179 would be within acceptable limits.

HIGHWAY/PARKING

The property currently has four parking spaces for a three bedroom house. The proposal would result in three parking spaces being available for a four bedroom house. Council policy requires two spaces for a four bedroom dwelling, so the parking provision is considered to be more than sufficient.

KEY ISSUES/CONCLUSIONS

The design of the proposed development is considered to be acceptable, and the development would have an acceptable impact on the streetscene and rear garden scene. The development would impact on the amenity of neighbouring properties, but this impact would be within

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acceptable limits, as defined within the SPD. There would be no highways or parking issues.

The proposal is therefore considered to be in accordance with the aims and objectives of the Residential Extensions and Alterations SPD and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

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).

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed flank window to the ensuite shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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5. SC46 (Standard flank window condition)

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

Reason:-

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

INFORMATIVES

1 Reason for Approval

Reason for Approval

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

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

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P1275.12 | |
| WARD : | Gooshays | Date Received: 19th October 2012 Expiry Date: 14th December 2012 |
| ADDRESS: | School House Community Centre Church Road Noak Hill | |
| PROPOSAL: | Single storey front extension additional information received 17/1 | |
| DRAWING NO(S): | | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

SITE DESCRIPTION

The application site is a single storey building which comprises of the School House Community Centre, which is located on the western side of Church Road, Noak Hill. The site is located in Metropolitan Green Belt and the Havering Ridge Area of Special Character.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a single storey front extension to the building. The front extension has two components. One component involves extending the existing meeting room, which would replicate the front façade of the existing building including the dutch gables and the original fenestration pattern. The second component involves creating an additional room, which would have a hipped roof.

The front extension would have a depth of between 3.2 and 3.5 metres, a width of 19.6 metres and a height of between 5.4 and 6.5 metres.

RELEVANT HISTORY

P0569.12 Conservatory to front elevation Refused.
P1280.08 Change of use from educational study centre to community centre Approved.

CONSULTATIONS/REPRESENTATIONS

The application was advertised by way of a site notice, in the local press and letters sent to six neighbouring occupiers. No letters of representation have been received.

RELEVANT POLICIES

CP8 (Community facilities), DC27 (Provision of community facilities), DC33 (Car parking), DC45 (Green Belt), DC61 (Urban Design) and DC69 (Other areas of special townscape or landscape character) of the LDF Development Control Policies Development Plan Document Residential Extensions and Alterations SPD

Chapters 7 (Requiring good design), 8 (Promoting healthy communities), 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

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MAYORAL CIL IMPLICATIONS

The proposal is not liable for Mayoral CIL as the gross internal floor area of the extension is less than 100 square metres.

STAFF COMMENTS

This proposal follows a previous application, P0574.12, for a conservatory to the front elevation that was refused planning permission for the following reason. The conservatory would by reason of its form, design, materials, scale, bulk, mass and prominent siting on the front facade of the building, would be out of keeping with the character of the existing building, thereby appearing incongruous, dominant and visually intrusive, harmful to the character and appearance of the community centre and the surrounding area contrary to Policy DC61 of the LDF Development Control Policies DPD.

Following the refusal, the Council's Heritage Officer and the Case Officer met the agent and applicant to discuss a way forward and the suggested amendments have been incorporated into this current planning application. The current application differs from the refused scheme in the following key areas:

- 1) The conservatory has been replaced with a solid brick built extension.
- 2) The width of the extension has increased from 11.5m to 19.6m.

The main issues in this case are the principle of development, the impact on the character and openness of the Metropolitan Green Belt, the streetscene, the impact on residential amenity and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt. Chapter 9 of the National Planning Policy Framework (NPPF) states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance, it is considered that the single storey front extension to the community centre comprises inappropriate development and some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

GREEN BELT IMPLICATIONS

It is considered that the front extension would not be harmful to the open and spacious character of the Metropolitan Green Belt, as it would occupy a relatively narrow strip of land (of 5.3 metres) in between the community centre and metal palisade fence on the front boundary fronting Church Road. Therefore, the continuation of built form for the proposed single storey front extension is not deemed to result in material harm to the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context and complement or improve the character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

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The Council's Heritage Officer was consulted for this application and provided the following comments. The School House, is a Victorian dutch- gabled, red brick building with yellow stock brick detailing which is situated within Noak Hill. The building has been successively extended from its original form, however, they have been executed in keeping with the character of the building, and the front elevation still retains its architectural character which positively contributes to the streetscene.

It is considered that replicating the front façade of the existing building including the dutch gables and the original fenestration pattern in a brick form would be sympathetic to the architectural character and appearance of the historic building. The three arched windows and quoining detail of the building would also be replicated in the proposed front extension. It would be preferable if the existing materials are re-used where possible to give a cohesive appearance. Samples of all materials will be secured by condition if minded to grant planning permission. It will be necessary to ensure that the stone dressing and soft red bricks match exactly to the existing materials.

Although the width of the extension has increased from 11.5 metres to 19.6 metres in comparison with the previous application, Staff consider that this is acceptable as its impact is mitigated by the following factors. The extension adjacent to the north western boundary has been recessed by approximately 0.3 metres and its hipped roof has a lower ridge line than the existing building, which provides a subservient appearance. Following negotiations with the agent prior to this submission, the roof pitch of the front extension has been lowered, which minimises its bulk.

Staff consider that the design, form and scale of the proposal would integrate satisfactorily with the character and appearance of the community centre, the streetscene and the Havering Ridge Area of Special Character.

IMPACT ON AMENITY

The single storey front extension would be located on the front façade of the community centre. It is considered that the extension would not be harmful to residential amenity, as its flank walls would be set in approximately 0.6 metres from the north western boundary and 23 metres from the south eastern boundary. In addition, the extension is single storey. It is considered that the proposal would not add to the overlooking that presently exists.

HIGHWAY/PARKING

The existing car parking arrangements would remain unaffected by the proposal. It is considered that the proposal would not create any parking or highway issues. The Highway Authority has no objection to the proposal.

OTHER ISSUES

The Case for Very Special Circumstances:

The applicant's case for very special circumstances can be summarised as follows:

- The Community Centre is utilised by the Hindu Welfare Association of Essex, which is a registered charity. The centre is utilised for recreational, educational, religion, social and community purposes and regular activities take place throughout the week. The community facilities are open to members as well as non-members. 95% of its members come from Hornchurch, Romford and other areas in the London Borough of Havering. Due to popularity of the activities, further floor space is required, for example over a hundred people participate in the

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monthly family get togethers. A grant has been received from the Velolia Havering Riverside Trust towards the extension.

- The internal layout of the School House Community Building is very restrictive and is not fit for purpose, as a large proportion of it comprises of small irregular shaped rooms, some of which are comprise of offices and a kitchen. The two largest rooms are the meeting room at the front and the temple which is located adjacent to the north western boundary. The meeting room is utilised the most for activities and gatherings, but is not large enough to accommodate members of Hindu Welfare Association and non-members.

- It is not practical to extend to the side or rear of the building, as this would reduce the parking provision on the site. In this instance, the front extension would not affect the parking arrangements.

- The Council's Regeneration, Policy and Planning team has advised that there is always a shortage of adequate hiring space within the Community Centres in the borough. The Hindu Welfare Association offers faith based activities, as well as activities open to the community. Therefore, other community facilities may not be able to accommodate the faith based activities that are needed at the Hindu Welfare Association, particularly as the School House Community Centre features a temple. This proposal would help retain and enhance this community facility.

- Policy CP8 seeks to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by allowing the development of essential community facilities necessary to meet the specific needs of the community on non-allocated land. Staff consider that the extension is essential to meet the current and future needs of the local community. The proposal provides a practical and economical way of retaining and enhancing this community facility both now and in the future, which adheres to Policy CP8.

KEY ISSUES/CONCLUSIONS

It is considered that the single storey front extension comprises inappropriate development in the Green Belt. However, it is considered that the very special circumstances that have been submitted justify the inappropriate development proposed. It is considered that the proposal would not materially harm the open and spacious character of the Green Belt. Staff consider that the design, form and scale of the proposal would integrate satisfactorily with the character and appearance of the community centre, the streetscene and the Havering Ridge Area of Special Character. Staff consider that the proposal would not be detrimental to neighbouring amenity or create any highway or parking issues. For the reasons outlined in this report, it is considered that planning permission should be granted subject to conditions.

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).

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2. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC27, DC33, DC45, DC61 and DC69 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.

2 Highways Informatives

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

- If the existing vehicular access is damaged during the construction or demolition processes, the applicant will be required to make good these damages.

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

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3 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.

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P1358.12 | |
| WARD : | Upminster | Date Received: 20th November 2012 Expiry Date: 15th January 2013 |
| ADDRESS: | Coopers Company & Coborn School St. Marys Lane Upminster | |
| PROPOSAL: | Provision of new boundary fencing to school site and fencing and access gates adjacent to school buildings Revised plans rec'd 08/01/13 | |
| DRAWING NO(S): | KS1204186/site plan KS1204186/fencing Rev B | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

SITE DESCRIPTION

The application site forms part of The Coopers Company & Coborn School which is located towards the southern side of St Mary's Lane, Upminster. The site is located within the Metropolitan Green Belt and is also within the Cranham Conservation Area. The surrounding area towards the north and west consists mostly of residential dwellings, whilst the southern and eastern boundaries are defined by vast open fields. Access to the site is off St Mary's Lane.

DESCRIPTION OF PROPOSAL

The application seeks consent for the provision of new boundary fencing to the school site and fencing and access gates adjacent to school buildings. The proposal requires planning permission as it is in an Article 4 area where permitted development for fencing has been removed.

The proposed fencing along the St. Mary's Lane boundary is a green, 2.4m high, approximately 140m long paladin weld mesh fence. The fence will run up tight against the existing natural vegetation which will be retained. The fence will run approximately 2m back from the back edge of the footpath adjacent to the public highway. The existing timber fencing which is a combination of post and rail, chestnut and chain link is entwined within the existing vegetation and will be left in-situ. The height of the existing vegetation is approximately 3-4m high. Posts for the new fencing will be installed in such a way as to avoid the roots of the existing natural vegetation.

The proposed fencing along The Chase would be the same type of fencing as above and approximately 131m in length. At present there is very little left of the original chestnut fencing. The proposal is to run the fence along the same line of the original chestnut fence which is approximately midway in the wooded area between the school site and The Chase. The centre line will be approximately 4m back from the edge of The Chase roadway.

The boundary between the school site and the farm to the south is a 440m long chain link fence set between concrete posts which is in various states of dilapidation. The new fence would be the same as mentioned above and will run along the same fence line as the existing fence.

The fencing and the gates abutting the school would be of similar materials and height.

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RELEVANT HISTORY

- P0496.12 - Provision of new car park providing parking for 70 cars, a car drop off point and a dedicated pedestrian pupil access. A new vehicular exit onto St Mary's Lane, new landscaping and alteration of the school access road.
Refuse 18-06-2012
- P0157.10 - Refurbishment and extension of existing 6th Form / Library Building
Apprv with cons 30-04-2010
- P1491.09 - Refurbishment and extension of existing 6th Form / Library Building
Withdrawn 12-01-2010
- P0358.09 - Provision of 2 No. external disabled access lifts
Apprv with cons 21-05-2009
- P0212.09 - Two storey side extension
Apprv with cons 29-05-2009
- P1755.08 - Single storey extension
Apprv with cons 04-12-2008
- P1170.06 - Placing of a container on the sports field for storage of an easier access to sports equipment
Lapsed application 07-12-2011
- P0941.06 - Single storey extension to existing Art block
Apprv with cons 18-07-2006

CONSULTATIONS/REPRESENTATIONS

53 Letters of notification were sent out to adjoining neighbouring properties and the application advertised as development in the Green Belt. No letters of representation have been received.

The Heritage Officer has raised no objection to the proposal.

RELEVANT POLICIES

LDF

- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC68 - Conservation Areas

OTHER

- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.8 - Heritage assets and archaeology
- NPPF - National Planning Policy Framework

STAFF COMMENTS

The main issues to be considered by Staff in this case are the principle of development upon the Metropolitan Green Belt as well as the Cranham Conservation Area; design/street scene issues; amenity implications and parking and highways issues.

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PRINCIPLE OF DEVELOPMENT

The application relates to additions and alterations to an existing educational use. The application site lies within the Metropolitan Green Belt and therefore Policy DC45 in addition to NPPF must be considered.

The proposed development does not fall within one of the uses identified as being acceptable in principle within the Green Belt and as such is by definition inappropriate. The NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. As such, very special circumstances are required to justify what would be an inappropriate development, together with any other harm which may arise (such as visual harm for example). Such circumstances will only exist where the in principle inappropriateness and any other identified harm are clearly outweighed by material considerations. As such, Staff have to consider whether the very special circumstances put forward by the agent in this instance would justify the inappropriateness of the development

GREEN BELT IMPLICATIONS

Policy DC45 states that development in the Green Belt should be of such a nature as to prevent the development materially affecting the open nature of the Green Belt.

The proposed fencing would have some implication in terms of the openness of the Green Belt however Staff consider the potential impact to be acceptable as the proposed fencing is of such a design that it allows views through it. The green painting would blend in with the existing grassed areas and vegetation and some of the impact to St. Mary's Lane would be screened by existing vegetation.

Staff therefore do not consider the potential impact to be to such an extent as to justify a refusal.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In terms of the impact upon the streetscene, Policy DC61 seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. Furthermore, it seeks that the appearance of new developments/alterations is compatible with the character of the surrounding area, and would not prejudice the environment of the occupiers and adjacent properties.

As indicated above, the proposed fencing would be entwined with the existing vegetation along St. Mary's Lane. Staff consider the proposal to be sufficiently screened not to result in an unacceptable impact when viewed from St. Mary's Lane.

The proposed fence along the eastern and southern boundaries would not be visible in the streetscene and would therefore not have an impact.

The application site is located within the Cranham Conservation Area. Although the new fencing will create more formal boundary to the school; the type of fencing has been used in areas of the school and does not detract from the open nature of the landscape in this part of the conservation area. Whilst the height of the fencing on St. Mary's Lane would be regretful if placed on the back edge of the pavement, the retention of the hedge results in a much softer edge which is more appropriate to the conservation area. As such it is considered that the

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IMPACT ON AMENITY

The proposal is for fencing and is sufficiently set away from residential properties. Staff do not consider the proposal to have an unacceptable impact on neighbouring amenity and is in accordance with the aims and objectives of Policy DC61 of the LDF.

HIGHWAY/PARKING

The proposal would not have an impact on the existing parking situation.

OTHER ISSUES

As set out above, in order to justify the proposal, very special circumstances are needed. The agent raised the following as very special circumstances to justify development on this school property within the Green Belt:

- The fencing proposed is to ensure safeguarding of children as required by Ofsted. The existing perimeter fencing is extremely poor with dilapidated existing fencing around the perimeter of the school and virtually non-existent fencing between the farm and school playing fields.

Given these circumstances, together with the very limited resultant impact upon the openness of the Green Belt, Staff consider that very special circumstances exist in this case to warrant an exception from policy. Notice should be given to the fact that the need for such facilities at schools amount to the very special circumstances required.

KEY ISSUES/CONCLUSIONS

Having regard to the above, whilst it is acknowledged that there will be some minor impact on the existing character of the site, Staff do not consider that material harm to the character and openness of the Green Belt will arise from this proposal. The impact upon the street scene and the amenity of nearby residents is negligible.

The proposal would provide perimeter fencing to ensure safeguarding of children. In view of the requirements for the school to provide fencing it is considered by Staff that this, in conjunction with the limited harm caused by the proposal to the character and openness of the Green Belt, constitutes the very special circumstances needed to justify an exception from Green Belt policy in this instance. It is not considered that the proposal would have an unacceptable impact upon the character of the Cranham Conservation Area. Approval is recommended accordingly.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

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

Reason:-

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

2. S SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete

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3. Non Standard Condition 31

The development shall be carried out in 2.4m high green paladin weld mesh fencing as stated on the planning statement and indicated on drawing no. KS1204186/Fencing Revision B hereby approved, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

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.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61 and DC68 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.

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.

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| | | |
|-------------------------|---|---|
| APPLICATION NO: | P1415.12 | |
| WARD : | Emerson Park | Date Received: 21st November 2012 Expiry Date: 16th January 2013 |
| ADDRESS: | 77-79 Butts Green Road Hornchurch | |
| PROPOSAL: | Variation of Condition 9 of APP/B5480/A/11/2167078 to allow for newspaper deliveries to occur between the hours of 5am and 7am. Revised proposal | |
| DRAWING NO(S): | Covering letter email from agent dated | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report. | |

SITE DESCRIPTION

The proposal relates to the two, single-storey shop units at 77-79 Butts Green Road. Following the grant of planning permission on appeal, at the time of the site visit, the units were being converted and extended into a Tesco Metro store. The site is within an established shopping parade - a Minor Local Centre.

The surrounding area is to this side of Butts Green Road commercial at ground floor level with some residential above (where two-storey). Nonetheless as this is the last unit in the parade, directly adjoining the site is existing residential development at 81 Butts Green Road and otherwise surrounding the applicaiton site are residential properties, with some flatted development but otherwise mainly single family houses.

DESCRIPTION OF PROPOSAL

The proposal is for a variation of Condition 9 of the approval granted on appeal (Planning Ref. P1495.11). This condition relates to delivery/servicing hours and the proposal is to enable the delivery of newspapers/magazines outside the times currently indicated in Condition 9. Condition 9 itself reads:

"9) No deliveries or servicing shall be taken at or despatched from the site outside the hours of 1000 and 1600 or between 1800 and 2100."

The applicants request that the delivery hours are extended to enable newspapers/magazines to be delivered between 05:00 and 07:00 each day. They indicate that there would be only one distribution company and one light goods vehicle with one designated time slot. Because Conditon 6 prevents any goods or materials from being stored outside the shop, it is proposed that the newspapers and magazines would be delivered directly into the store.

RELEVANT HISTORY

In allowing the appeal, in his Decision Letter in relation to P1495.11, the Planning Inspector specifically identified that "Servicing and deliveries would take place at the front of the appeal premises and a restriction on the times in which these take place would help reduce the risk of a potential obstruction to traffic flows." and "There is little substantial evidence before me to

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indicate that there would be any additional noise and disturbance from deliveries and servicing sufficient to cause material harm to nearby residents' living conditions."

P1151.12 - Installation of external shutters.
Awaiting Decision

P1495.11 - Erection of a single storey rear extension (Resubmission of planning application P1649.09).
Awaiting Decision

P1649.09 - Single storey rear extension to new Tesco Express
Refuse 10-03-2010

P1137.09 - Single storey rear extension to new Tesco Express
Withdrawn 07-10-2009

CONSULTATIONS/REPRESENTATIONS

17 objections have been received objecting on the following grounds:

- a box located outside the unit can be used to contain newspapers before the shop opens and it is unnecessary to require that a loading bay is used at that time
- the applicant will be able to deliver all goods to the detriment of the local neighbourhood resulting in considerably greater traffic, parking and noise
- opening up the delivery hours to 5:00am will result in unacceptable noise and disturbance to adjoining residential occupiers
- It would give more flexible delivery times
- it will set a precedent for additional delivery times
- the new store will be in competition with an existing family-owned newsagent which is contrary to Central Government's wish to protect small shop owners
- people sleeping in bedrooms opposite the application site would be disturbed/woken by the early morning delivery
- This should have been raised at the appeal; as it wasn't it clearly wasn't needed in connection with this store run by a large supermarket group

The Emerson Park and Ardleigh Green Residents' Association has written to object to the proposal on the grounds that the proposal would enable deliveries during unsocial hours very close to residential occupiers, the Planning Inspector in deciding delivery hours did so to protect the amenity of residential occupiers, it would be difficult to use Planning powers to enforce against any particular goods or hours of delivery in unsocial hours if this proposal is allowed.

RELEVANT POLICIES

LDF

- CP4 - Town Centres
- DC15 - Retail and Service Development
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC36 - Servicing
- DC61 - Urban Design

OTHER

- LONDON PLAN - 2.15 - Town Centres
- LONDON PLAN - 4.7 - Retail and town centre development

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OTHER

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
LONDON PLAN - 4.9 - Small shops
LONDON PLAN - 6.13 - Parking
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

None

STAFF COMMENTS

The main issues are the impact on residential amenity and highways/parking/servicing arrangements.

IMPACT ON AMENITY

The most affected neighbouring occupiers would be those in the adjoining residential property at No.81 Butts Green Road. Other residential properties are located opposite the application site.

The change to Condition 9 would enable the delivery of newspapers/magazines only and there would be no change to Condition 10 which precludes the shop itself from being open to customers except between 7am and 10pm.

The Inspector indicated that there would be no material impact on residential amenity in relation to the use of the loading bay which is specifically required to prevent congestion/obstruction to traffic flow.

The applicants have clarified that the newspaper van would make one delivery only between 5am and 7pm. Given that this is an established shopping parade, designated as a Minor Local Centre, and that any A1 Use here could previously have been a newsagents accepting newspaper deliveries before shop opening times, it is considered that any neighbouring occupiers would not have the same level of amenity which could be expected of a purely residential area. No condition has been attached to control the presence of staff at the application site, just the opening hours and that no goods or materials can be stored outside the store. It is therefore considered reasonable of itself that a staff member could be on site to receive newspaper deliveries before the store opens to customers.

It is nonetheless considered that the 2 hour time slot is particularly wide for a delivery which should take no more than 15 minutes and as it would extend well before most people rise in the morning, during a significantly quieter time of the day, traffic wise, that it would be appropriate to monitor the impact of the proposal. It is therefore considered appropriate that permission for a variation of the condition is limited to a year and at the end of that time period, this can be reviewed in relation to its impact on residential amenity. Conditions are also proposed to restrict the deliveries solely to newspapers/magazines and to a single light goods vehicle.

HIGHWAY/PARKING

The use of the loading bay for a longer period of time is unlikely to result in any significant increase in traffic at that time of the morning. Nonetheless Butts Green Road is a single carriageway and a heavily used road and the Planning Inspector considered that delivery/servicing times should be restricted to prevent any undue obstruction on the highway. It is therefore considered that the proposed addition of two hours from 5am - 7am would add to the time period in which deliveries could take place and that this should be the subject of monitoring to ensure that no obstruction occurs.

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It is therefore considered that earlier deliveries should be monitored and it is suggested that a temporary permission is granted for a year.

KEY ISSUES/CONCLUSIONS

The proposal is for a change to the set hours for deliveries/servicing of the Tesco store. At the time of the site visit it was noted that the store has yet to be opened. The proposal would increase the hours for deliveries to take place and also introduce deliveries well in advance of opening at 7am and the existing earliest delivery time-slot beginning at 10am. It is considered that one visit by a small van between 5am and 7am may not result in any significant impact and it is therefore considered reasonable that permission is forthcoming subject to conditions which restrict the use and enable the situation to be monitored after one year in operation.

RECOMMENDATION

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

1. SC16 (Temporary permission) INSERT DATE

This permission shall be for a limited period only expiring on January 17th 2014 on or before which date the hours of delivery of newspapers/magazines hereby permitted shall be discontinued, to the satisfaction of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control in the interests of residential amenity and highway safety in accordance with Policies DC61 and DC32 of the LDF Core Strategy and Development Control Policies DPD.

2. SC27 (Hours of use) ENTER DETAILS

The delivery of newspapers/magazines shall not occur except between 05:00 and 07:00 any day without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. SC45B (Restriction of use) ENTER DETAILS

The extension of the existing delivery hours hereby permitted shall be for a single delivery by one light goods vehicle of newspapers/magazines only and for no other goods in association with the A1 Use at 77-79 Butts Green Road.

Reason:-

To protect residential amenity in line with Policies DC16 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

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31st January 2013

1 Non Standard Informative 1

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

2 Approval following revision

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

3 Reason for Approval

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

Note: 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.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

31 January 2012

Subject Heading:

P1128.12 – Former Boyd Hall, St Mary’s Lane, Upminster – Erection of 9 detached dwellings (2 No. 5-bedroom houses and 7 No. 4-bedroom houses) including new rectory (received 1 October 2012; revised plans received 7th, 13th and 29th November 2012 and 20th December 2012)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- Clean, safe and green borough
- 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 erection of 9 detached houses with new driveway access extending from Litchfield Gardens and ancillary parking. Staff

consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,518.2m² which equates to a Mayoral CIL payment of £30,364.

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

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

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

1. 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).

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

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

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61 and DC68.

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

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

4. Refuse/Recycling Storage: 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Cycle Storage: Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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.

6. Sound Insulation: The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. Screen Fencing: Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the

new properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

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

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

9. Construction Hours: No construction works or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

10. Soft and Hard Landscaping: Prior to the commencement of the development, a soft and hard landscaping scheme, shall be submitted to the Local Planning Authority which accords with the general landscaping scheme as shown on the site plan P1106/03 Revision E. Once approved in writing the scheme shall be implemented in accordance with the approved details. All planting, seeding or turfing shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

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

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

assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

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

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

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

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

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

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

17. 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 submitted and approved plan) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

Reason: Important archaeological remains may exist on this site. Accordingly, the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in Policy PPG16, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

19. removal of permitted development allowances: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place to Unit 1 and Unit 6 under Classes A, B, C, D, E, F, G or H 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.

20. access road materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the construction of the proposed access road 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.

21. tree protection measures: No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect retained trees which are subject to a Tree Preservation Order in accordance with Policy DC60 of the LF Core Strategy and Development Control Policies DPD and the SPD on the Protection of Trees during Development.

22. soft felling of ash tree: The applicant shall soft fell the ash tree to the rear boundary identified in the Biodiversity statement as having potential as a bat roost; should evidence of bat use be identified the applicant shall follow the course of action identified in the Biodiversity statement.

Reason: To ensure that protected species are not harmed during the course of development in accordance with Policy DC58.

23. Biodiversity: The development shall be carried out in accordance with the recommendations set out in paragraph 4.0 of the Ecological Scoping Survey dated June 2012.

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.

24. Reptile Survey – Prior to commencement of the development a reptile survey shall be undertaken between May and September; the details of which shall then be submitted to the Local Planning Authority together with an assessment of the likelihood of reptiles being present; and, as appropriate details of any mitigation requirements for development. Once approved, any mitigation measures shall be undertaken 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.

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

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

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. **Archaeology – Informative:**

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.

3. **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 2012.

4. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC36, DC37, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

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

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

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,518.2m² which equates to a Mayoral CIL payment of £30,364. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here is based on a gross internal floor area at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued on discharge of the last pre-commencement condition should planning permission be granted.

REPORT DETAIL

Background

Boyd Hall was previously on the List of Buildings of Architectural or Historical Interest having been spot-listed without a full survey of the site being undertaken. An application for de-listing was made and English Heritage, following a full survey, decided that Boyd Hall should be de-listed in February 2006. While the Hall remained of local historical interest, planning permission was not at the time required for its demolition and Boyd Hall was subsequently demolished along with its outbuildings.

1. Site Description

- 1.1 The application site comprises an area of land located to the north of St Mary's Lane, Upminster, east of its junction with Front Lane. The L-shaped site wraps around to the rear of Nos.419-431 St Mary's Lane and formerly comprised the Boyd Hall, a former school which had two, one-storey outbuildings. Boyd Hall was single storey with a high ridge over the main part of the building with a two-storey wing to the western elevation. There are extensive areas of hardstanding to the eastern part of the application site. The site extends to a maximum depth of 64m and a maximum width of 86m. The frontage width onto St Mary's Lane is 40m. The application site has an area of approximately 0.36 hectares.
- 1.2 There is an existing vehicular access onto St Mary's Lane which is towards the eastern boundary of the site. A pedestrian access to the eastern boundary allows access directly onto Litchfield Terrace. The western vehicular access to Westbury Terrace is directly opposite the application site.
- 1.3 St Mary's Lane at this point, including Litchfield and Westbury Terraces, is residential in character with mainly two-storey semi-detached properties. To the South/south-west of the site is Judith Anne Court, a flatted development of 3-storey height adjacent to the railway embankment.
- 1.4 Tree Preservation Orders 28/73 and 04/05 cover the application site. The former includes 16 individual trees including the Holm Oak to the east of the application site, together with a group of 12 Silver Birches located to the rear of 421-431 St Mary's Lane. The 2005 TPO covers 6 trees, including the Holm Oak to the west of the application site. The total number of trees covered by the two preservation orders is 34.

2. Description of Proposal

- 2.1 Those buildings previously on the site have already been removed and the proposal is for the erection of 9 detached houses with a new vehicular access onto Litchfield Terrace and a driveway forming an extension to the existing cul-de-sac. As previously (Planning ref. P0083.07) one of the units would be a new Rectory (Unit 1) in association with All Saint's Church, Cranham.

- 2.2 The site would be laid out with 4 houses (Units 6, 7, 8 and 9) fronting onto St Mary's Lane adjacent to No.1 Litchfield Terrace and fronting onto the extended highway of Litchfield Terrace. There would be 2 houses to the rear of these (Units 4 and 5) and 3 houses (including the new Rectory, Unit 1) located to the west of the application site to the rear of Nos.419-431 St Mary's Lane. The rear houses would be located either side of the extended driveway access.
- 2.3 Units 6, 7, 8 and 9 would be located between 10m and 14.5m back from the rear edge of the existing highway of St Mary's Lane and between 2.5m and 10m from the proposed new driveway access. In order to accommodate the retained Holm Oak, Unit 6 would be set back furthest from the new driveway access with the others stepping forward from east to west across the site. Each of these 4-bedroomed properties has a two-storey front gable and each have dimensions of: Unit 6 – 6.1m wide and 13m deep; Unit 7 – 6m wide and 14m deep; Unit 8– 6m wide, 13m deep; Unit 9 – 6m wide and 13.5m deep. There would be a shared ridge height of 9m above ground level. They all have accommodation in the roofspace with a rear dormer in the roof slope. Garden sizes vary from a minimum of 69/70 sq.m for Units 7 and 8 to 96 sq.m for Unit 6.
- 2.4 Units 4 (5-bedroom) and Unit 5 (5-bedroom) are located to the rear of the properties proposed to front onto St Mary's Road/Litchfield Terrace. Unit 5 is closest to these frontage properties at a minimum distance of 8.4m away; it has dimensions of 8.15m wide and 13.5m deep and a ridge height of 9.35m above ground level with an attached garage with accommodation over. Unit 4 which has an integral garage is located at the rear of the site between 0.75m and 1.5m from the shared boundary with No. 4 Pond Walk; it has dimensions of 8.35m wide, 15.1m deep and 9m (ridge height) and would be staggered back in relation to Unit 5 such that its rear wall would be located some 4m behind the nearest part of Unit 5. Garden sizes are 148 sq.m for Unit 4 and 132 sq.m for Unit 5.
- 2.5 Units 1, 2 and 3 are located to the west of the application site behind No.s 419-431 St Mary's Lane. Unit 1 is located a minimum of 1m from the shared rear boundaries with No.s 425 & 427 St Marys Lane and Unit 3 is located a minimum of 1m from the shared rear boundary with No.2 Pond Walk and 1.2m from the shared rear boundary with No. 14 Front Lane. Unit 1, the Rectory is the largest unit with 4 bedrooms being a maximum of 9.4m wide, 15.6m deep and with a hipped pitched roof with a maximum ridge height of 8.8m above ground level. Units 2 and 3 have dimensions as follows: Unit 2 (4-bed) - 6.5m wide, 13.2m deep with 9.4m ridge height; and Unit 3 (4-bed) – 6.85m wide and 11.2m deep with a 9.2m ridge height. Garden sizes for these three properties vary from 120/126 sq.m (Unit 3/4) to 215 sq.m (Rectory).
- 2.6 While there would be a variety of detached houses in size and form there would be a common material palate of brick and tile with gables, front or rear dormers and some timberwork.
- 2.7 The houses would be provided with two parking spaces each (some in garages), with the Rectory provided with 2 parking spaces and a single garage.

- 2.8 To St. Mary's Lane would be a wall with a landscaping strip behind such that there would be no direct access either for vehicles or pedestrians onto St Mary's Lane. The proposed 90m long driveway access would be L-shaped with the longer section extending from the footway to St Mary's Lane adjacent to No.431 St Mary's Lane to the rear of the application site and the shorter section exiting out onto Litchfield Terrace. It would be 4.5m wide with two passing bays one on each section (minimum width of 5m). Two turning areas would also be provided, one at the front of the application site adjacent to No.431 St Mary's Lane and the other (a hammer-head) at the end of the cul-de-sac to the rear of the site adjoining the shared boundary with properties fronting Pond Walk.
- 2.9 An Arboricultural Implications Assessment has been submitted with the application which indicates that there are 21 individual trees and three tree groups at the application site, including two Holm Oaks. Two preserved trees (the two Holm Oaks) would be retained to the front of the application site. The remaining preserved trees would be removed. A landscaping scheme would include 16 replacement trees with 4 located along the landscaping strip to St Mary's Lane and 5 along the shared rear boundary with Pond Walk properties and 2 new trees to the shared boundary with properties fronting onto Front Lane and 2 to the boundary with No. 431 St Mary's Lane.
- 2.10 A Transport Statement has been submitted which concludes that the site has close links to buses and reasonable links to rail, local leisure, retail and education facilities and would have an acceptable impact on the highway network. An Energy Statement has also been submitted which indicates that the proposal can achieve the 2011 London Plan Policy 5.2 requirement of 25% emissions reductions and Ene1 of the Code for Sustainable Homes Level 4.

3. **History**

- 3.1 P0065.00 Demolition of church hall and outbuildings and erection of new hall and three detached houses – withdrawn 30-7-03.

P1417.03 - demolition of garages and erection of four detached houses (including rectory) plus service road - resolution to approve subject to the signing of a section 106 agreement in relation to the implementation of repairs to the then Listed Boyd Hall and submission of a listed building application - no agreement has been signed and therefore permission has not been granted. The Hall was subsequently been de-listed and the legal agreement was not signed and the application was deemed refused on 19-6-09.

- 3.2 P0083.07 - Demolition of existing buildings and garages and erection of 4 detached, 2-storey houses and 3, 2-storey blocks containing 14 flats - Refused 26-04-2007

The reasons for refusal of the P0083.07 scheme were:

"1. The proposed development would, by reason of its siting, bulk and massing, adversely impact on the visual amenity of the street scene and would be out of character in the locality contrary to Policy ENV1 of the Havering Unitary Development Plan.

2. The proposed development by reason of the proximity of the access to other nearby adjacent and opposite junctions would provide an unsuitable junction with St Mary's Lane. Furthermore, the site has insufficient on site parking leading to possible unacceptable pressure for parking elsewhere. The proposal would therefore give rise to highway danger contrary to Policies ENV1, TRN2 and Appendix 2 of the Havering Unitary Development Plan and Interim Planning Guidance on Housing Density

3. The proposed development would be likely to result in the loss of protected trees contrary to Policy ENV5 of the Havering Unitary Development Plan

4. The proposed block nearest No.431 St. Mary's Lane would, due to its depth and height beyond the rear of the existing development result in an adverse impact in the rear garden environment contrary to Policy ENV1 of the Havering Unitary Development Plan.”

4. **Consultation/Representations**

4.1 37 neighbouring occupiers were notified of the proposal. There were 7 replies; 3 commenting but not rising any objections and 3 objecting to the proposal on the following grounds:

- too many houses for the site
- too large and too close to adjoining garden boundaries
- unacceptable increase in noise and disruption
- preserved trees are not all shown on the plans
- the proposed entrance onto St Mary's Lane would be a highway hazard
- no parking would be provided for existing properties to St Mary's Lane
- unacceptable loss of loss of protected trees including a 100-year old Horse Chestnut tree and Orchard
- loss of semi-rural character of this part of Upminster
- insufficient parking for the 4 and 5 bedroomed properties and their visitors resulting in parking on surrounding streets
- loss of wildlife
- possible loss of privacy
- there is no change from the reasons given to refuse the earlier 3 schemes and this scheme should also be refused on the same grounds
- the report submitted indicating that there would be no traffic problem is not correct and misleading
- Litchfield Terrace should be used for access rather than St Mary's Lane
- The tree report suggests that the trees should fit in around the plans. As they are protected trees this should be the other way round where development takes account of the protected trees
- the proposed trees and shrub planting would not make up for the loss of the preserved trees

4.2 Thames Water have written to advise that this scheme is not within their area. Essex and Suffolk Water have not commented on the planning application.

- 4.3 The Metropolitan Police Crime Prevention Design Advisor has written to advise that the scheme does show crime prevention measures. He requests the addition of a condition and informative regarding Secured by Design and ones for boundary treatments, external lighting, landscaping and details of cycle storage if permission is granted.
- 4.4 English Heritage indicate that the site is within an Archaeological Priority Area and that it is likely, given that there appears to be limited modern disturbance, that there are archaeological remains located at the application site. They request a condition and informative are attached to any grant of planning permission.
- 4.5 The Fire Brigade (LFEDA) indicate that access should meet B5 of ADB Volume 1. These are the Building Regulations documents and a separate Buildings Regulations application would be needed.

5. **Staff Comments:**

5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP2, CP17, DC2, DC3, DC33, DC34, DC35, DC36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD. The SPD on Residential Extensions and Alterations (as relevant), SPD on Residential Design, SPD on Sustainable Design and Construction and draft SPD on Planning Obligations. London Plan Policies 2.15, 3.3, 3.5, 3.8, 3.9, 4.2, 4.7, 6.9, 6.13, 7.3, 7.4 and 7.6, as well as the National Planning Policy Framework (NPPF) are applicable.

5.2 *Principle of development*

5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the existing urban area. The National Planning Policy Framework (NPPF) indicates that such sites are “brownfield” sites and that the proposal would be acceptable in principle.

5.2.2 The NPPF indicates that sustainable development should normally be granted planning permission and the site would be in a sustainable location. The details of the scheme will be important in deciding whether the proposed development is acceptable.

5.3 *Density/Site Layout*

5.3.1 The proposal is erect 9 detached houses. The application site area is 0.36 hectares and therefore the density would be approximately 25 units per hectare. Policy DC2 indicates that in this location, the range would be 30-50 units per hectare and this proposal would be below the range. However the scheme includes a new road access which reduces the land area available for residential development and the scheme is for entirely detached houses such that a lower density may be acceptable. The main consideration is whether the scheme is of

a high standard of design and layout in accordance with Policies DC2 and DC61.

5.3.2 The London Plan indicates at Policy 3.5 (and Table 3.3) that 4-bed houses for 5 people should be a minimum of 100 sq.m (gross internal area, gia) and 4-bed houses for 6 people should be a minimum of 107 sq.m. For houses for more than 6 people, para 3.36 indicates that a further 10 sq.m should be allowed for each extra bed space/person. The proposed Unit 4 would provide 5 double beds (10 bedspaces) and the London Plan indicates that this should have a minimum size of 147 sq.m; the actual size proposed would be 195.8 sq.m which is in excess of the minimum. Unit 3 provides 4 double beds (8 bedspaces) and the London Plan indicates that the minimum size should be 127 sq.m; the gia for this unit would be 167.3 sq.m, similarly, Unit 2 at 149 sq.m is also in excess of the minimum. The other units would also all be in excess of the minimum internal space standards.

5.3.3 In respect of the site layout, the new driveway access would extend from the existing western end of Litchfield Terrace behind St Mary's Lane and then turn at right-angles and northward away from St Mary's Lane extending to the rear of the site with houses on both sides of the new cul-de-sac. Private gardens would be provided to the rear of each house with 2 parking spaces provided to the front of each property or within garages (integral or otherwise) with 3 for the proposed Rectory (Unit 1).

5.3.4 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The proposed separate amenity space for each property at a minimum of 69 sq.m (Unit 7) and maximum of 215 sq.m to Unit 1 (Rectory) are considered by staff to be appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space. In addition, while they are generally shorter and smaller than those immediately surrounding the application site, staff do not consider that this of itself would be so harmful to the character of the area as to refuse planning permission.

5.3.5 Staff therefore consider that the proposed layout would be acceptable.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The surrounding area, with the exception of the 3-storey flatted blocks, is of mainly 2-storey semi-detached houses. The proposal would result in 9 detached houses, nonetheless only the four houses located directly adjacent to No. 1 Litchfield Terrace would be directly visible in the existing streetscene with the others forming a new street scene behind the frontage properties.

5.4.2 To the St Mary's Lane frontage, the four houses would be stepped back from west to east following the existing building line. The 4 new properties would

have a higher ridge line than the adjoining properties, i.e., 9m compared to 8.4m and be detached houses rather than semi-detached houses. Staff nonetheless consider that there is a variety of house styles in the locality and the two existing Holm Oak trees would be retained to the front of the application site, such that the proposed development would have an acceptable impact on visual amenity in the streetscene to Litchfield Terrace/St Mary's Lane.

- 5.4.3 A new streetscene would be formed to the rear of the frontage properties with 2 detached houses to the east of the driveway access and 3 detached houses to the west of the access road. It is considered that the proposed arrangement with properties set well back with some front landscaping and vehicle parking to the front of each property would not appear overly dominant and obtrusive along this frontage. Together with a landscaping area at the northern boundary to the rear of the proposed hammer-head turning area, it is considered that the proposals would form an acceptable arrangement in terms of visual amenity in its streetscene, in line with the Residential Design SPD.
- 5.4.4 The proposal involves the development of an area behind the proposed frontage area and to the west of the application site behind St Mary's Lane properties. The western part of the application site has previously been the subject of a planning resolution to approve 3 houses (subject to the signing of a legal agreement in connection with works to the then Listed Boyd Hall) and it is therefore considered that a precedent has been set that 3 detached houses here would be acceptable, subject to the details of these properties also being acceptable in the rear garden environment. The nearest properties to these proposed dwellings are those fronting onto St Mary's Lane and Front Lane and to Pond Walk. While the properties are on two storeys and the flank elevations are a minimum of 1m from the shared side boundaries, the nearest properties are a minimum of 26m/28.5m from the rear of the nearest St Mary's Lane and Pond Walk properties respectively. Front to back distances relating to Front Lane properties would also be a minimum of 37m and Staff therefore consider that these properties would not result in harm to the rear garden environment.
- 5.4.5 The proposed properties directly to the rear of the proposed frontage properties, i.e., Units 4 and 5, would be located with the nearest side elevation (Unit 4) some 32m from the rear of the nearest rear elevation to a property in Pond Walk and a minimum of 21.5m from (Unit 4) the rear of No.1 Litchfield Terrace. In addition, Proposed Unit 6 would not extend beyond the rear of No. 1 Litchfield Terrace and Staff consider that at these distances there would no significant adverse impact in the rear garden environment of the existing properties.
- 5.4.6 Staff therefore consider that the design and siting of the proposed dwellings would not appear materially obtrusive in the street scene, nor would it have an adverse impact on the rear garden environment. They would introduce an element of backland development, nonetheless Staff consider that it would not result in it being overbearing or intrusive.

5.5 *Impact on Amenity*

- 5.5.1 The development is proposed to be located to the east of No. 431 St Mary's Lane and west of 1 Litchfield Terrace in an existing gap in the street (formed by the demolition of the previous Boyd Hall building) and to the north of the St Mary's Lane properties. The minimum distance between properties fronting onto Front Lane would be 37m and, while these existing properties are located on a slightly lower land level, it is not considered that Units 1, 2 or 3 would result in any adverse impact by reason of overlooking, loss of privacy or outlook.
- 5.5.2 In relation to the proposed properties fronting onto the Litchfield Terrace extension, there would be no side windows and Unit 6 would not extend beyond the rear of the existing frontage development. While Unit 9 would extend well beyond the rear of No.431 St Mary's Lane, at a minimum distance of over 12m away and with no flank windows to habitable rooms (which could be obscure glazed), Staff do not consider that the proposal would result in any loss of light, visual intrusion or loss of privacy to these existing properties' occupiers.
- 5.5.3 In relation to Units 4 and 5, located behind the 4 proposed frontage properties, both properties would be orientated east/west such their rear windows would enable viewing across the gardens of properties in Litchfield Terrace. Unit 4 is located closest to the rear elevation of No. 1 Litchfield Terrace, nonetheless at a minimum distance of 21m and given the somewhat oblique angle, Staff consider that there would be no undue loss of privacy or overlooking into this existing property.
- 5.5.4 Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree.

5.6 *Highway/Parking/Servicing*

- 5.6.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. 2 parking spaces are proposed to each of the 9 dwellings with 3 spaces for the proposed Rectory. This would be acceptable.
- 5.6.2 In respect of access, the proposed development would take access from Litchfield Terrace. Highways have indicated that the access driveway would not be to adoptable standards but otherwise have no objections to the proposed driveway exiting onto Litchfield Terrace.
- 5.6.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

6. *Section 106 agreement*

- 6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £54,000.

7. *Mayoral CIL*

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,518.2m² which equates to a Mayoral CIL payment of £30,364.

8. *Landscaping*

- 8.1 The proposal would result in the loss of a number of trees covered by the two Tree Preservation Orders. Having considered the arboricultural report and the condition of the trees it is considered acceptable that the scheme's proposal to retain only the two Holm Oak trees and to remove the other trees and replace them with new ones would be acceptable. However, if the ash tree to the rear of the site is found to be used for bat roosting, then this may also be retained if appropriate in accordance with the Bio-diversity Assessment Statement. The Landscaping Scheme would need to be implemented in accordance with drawing No. 1106/03 Revision E in order to ensure that the amenity afforded by the preserved trees is not unduly undermined by the proposed development.

9. *Other Issues*

- 9.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.
- 9.2 The site lies in an Archaeological Priority Area and a suitable condition to enable investigation of possible archaeology would be attached to any grant of planning permission.
- 9.3 The Bio-diversity statement indicates that the site has some potential for reptiles, stag beetles and bats, among other plants/animals. It makes a number of recommendations, including the need for a Reptile Survey (which would be the subject of a condition) and the need to take care not to affect nesting birds/bats as they are protected. It also makes a number of recommendations with regard to providing bird and bat boxes and planting shrubs etc which are particularly attractive to insects, including bees. In line with Policies DC58 and DC59, these recommendations are supported and are included in appropriately-worded conditions.

10. **Conclusions**

- 10.1 The proposal is for 9 detached houses. Staff consider that the proposal would be acceptable in principle and that the details of the scheme are acceptable such that the scheme would be in accordance with Policies DC2, DC33, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 1 October 2012; and revisions received 7th, 13th and 29th November 2012 and 20th December 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

31 January 2013

Subject Heading:

**P1007.12– Land at Hendon Garages,
Hendon Road**

**Demolition of existing garages and
construction of 5 new dwellings
(Application received 16th October
2012)**

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This report relates to land in the ownership of the Council. This report concerns an application for the demolition of the existing garages and the erection of 5 new dwellings with 10 parking spaces using existing accesses. A Section 106 Legal

Agreement is required to secure a financial contribution in accordance with the Draft Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

| |
|------------------------|
| RECOMMENDATIONS |
|------------------------|

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £9,820. This is based on the creation of 491sqm of new gross internal floor space.

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

- A financial contribution of £30,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Obscure glazing - The proposed first floor windows on the rear façade of the dwellings in plots 1, 2, 3 and 4 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

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

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

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

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

20. Boundary treatment and buffer strip - Prior to the commencement of the development hereby approved, details of boundary treatment and a buffer strip to be provided between the proposed new parking area on the southern side of the site and the boundary with no.135 Highfield Road shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the parking bays first being brought into use and maintained permanently thereafter in accordance with the agreed details.

Reason: In the interests of residential amenity.

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

Reason: To protect neighbouring amenity.

INFORMATIVES

1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP8, CP17, DC2, DC3, DC4, DC7, DC11, DC27, DC32, DC33, DC34, DC35, DC36, DC40, DC49, DC53, DC55, DC61, DC62, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Design and the Draft Planning Obligations Supplementary Planning Document. The proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.3 of the London Plan.

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

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

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

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

Planning Obligations

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

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

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| REPORT DETAIL |
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1. **Site Description:**

- 1.1 The application site comprises land and garages at the western end of Hendon Gardens. The site includes a row of 12 single storey lock-up

garages, together with areas of highway and verge. The garages are disused and are in a dilapidated condition.

- 1.2 Hendon Gardens is a cul-de-sac and culminates in a turning area and hard and soft landscaping at its western end. The road is residential and characterised by two storey dwellings along its south eastern side. There is a four storey block of flats at the western end of Hendon Gardens. To the north, there is a three storey block of flats and two storey dwellings in Hillrise Road, which back on to the north western boundary of the site. Ground levels fall towards the western end of Hendon Gardens. Levels also fall towards the south and the site is on a lower ground level than the dwellings to the north in Hillrise Road.

2. **Description of development:**

- 2.1 The application is for demolition of the garages and redevelopment to provide five dwellings. The development consists of two four bed detached dwellings and two three bed semi-detached dwellings positioned close to the north western boundary of the site. A fifth, two bed dwelling is situated on the southern side of the site, on an area of grass verge adjacent to No. 10 Hendon Gardens.
- 2.2 The proposed dwellings are two storey with gabled roofs. External materials are indicated to be brickwork, white painted render and clay plain roof tiles.
- 2.3 The proposal involves altering the existing road layout at the western end of Hendon Gardens. The existing turning area will be replaced with a turning head and the provision of nine parking bays. An existing lay-by on the south side of the site will be removed and replaced with eight parking bays. A further two parking bays are proposed in the north-eastern part of the site, creating a total of 19 parking spaces.

3. **Relevant History:**

- 3.1 P2126.07 – The demolition of 12 no. garages and the erection of 5 no. family houses – Approved. The permission lapsed in December 2010.

4. **Consultations/Representations:**

- 4.1 The occupiers of 48 neighbouring properties were notified of this proposal. Four letters of representation were received with detailed comments that have been summarised as follows:
 - The proposal would remove neighbours right of way to the back entrance of their garden in Hillrise Road.
 - There is currently a lack of parking spaces in Hendon Gardens for existing residents and this will be exacerbated by the proposal.
 - No objection to the garages being demolished, although the space should be used for parking spaces, instead of housing.
 - Traffic and congestion.

- Lack of consultation.

- 4.2 In response to the above comments, there would be a footpath which would provide a right of way for No.'s 68 to 88 Hillrise Road. The remaining issues will be covered in the following sections of this report.
- 4.3 The Fire Brigade is satisfied with the proposals.
- 4.4 Environmental Health - Recommend a condition if minded to grant planning permission.
- 4.5 Crime Prevention Design Advisor - Recommends conditions in respect of boundary treatments, cycle storage, lighting, landscaping and secured by design and an informative if minded to grant planning permission.
- 4.6 The Highways Authority do not object to the proposals if amendments are made. The Highway Authority is aware that planning consent has previously been granted for this development and therefore, it is considered that it cannot object to the slightly amended proposals. The Authority has provided comments regarding parking on the highway in the development area. The proposals satisfy the individual parking standards for a development of 5 units in Collier Row, however, visits to the area have shown that the highway around the garage site is heavily parked even during the day. The proposals include the provision of 9 general parking spaces, however, it is recommended that the plans be amended and extra general parking be provided to prevent parking displacement onto the highway outside of the development. The Highway Authority also seeks the adoption of the extra carriageway as this would improve the refuse collection arrangements. Secure cycle parking facilities should be provided for a minimum of one bicycle for up to two-bedroom homes and for two bicycles for three-bedroom homes. Recommends two conditions and two informatives if minded to grant planning permission.

5. **Staff Comments:**

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

emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

5.2 Principle of Development

- 5.2.1 Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site is non-designated land for which housing is a priority use.
- 5.2.2 The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals.
- 5.2.3 The site is currently occupied by 12 garages. However, these are generally in a poor condition and appear not to have been used for parking for some time. Staff therefore consider that the loss of these garages may be considered to be acceptable in principle.

5.3 Density and site layout

- 5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare.
- 5.3.2 The proposal achieves a density of some 20.8 units per hectare on this 0.14 hectare site, which is below the range indicated by Policy DC2 and by national planning policy. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable area, which would prevent the site from being successfully developed at a higher density.
- 5.3.3 The development site, by virtue of its linear shape, changing levels, relationship with surrounding dwellings and the dominance of the highway, is a constrained site to develop and it is therefore necessary to take an innovative approach to the development of the site.
- 5.3.4 In order to try to overcome these constraints, the dwellings are principally arranged along the northern end of the site to benefit from the change in ground levels. The rear façade of the houses on plots 1, 2, 3 and 4 are a minimum of 3 metres and a maximum of 6.5 metres from the north western boundary. In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear and side garden areas of the dwellings on the north western boundary of the

site range between some 55-102 square metres. The rear and side garden of the dwelling in plot 5 has an area of 73 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

5.3.5 The remaining 'public' area within the development is largely hard surfacing and consists of the highway and parking provision.

5.3.6 It is considered that the layout of the site is acceptable. The proposal makes significant alterations to the road layout, principally at the western end of the site but this presents an improvement to the existing haphazard parking arrangements, which take place in the existing turning area at the end of the road. The proposal also replaces an existing lay-by with a large parking area on the south side of the site. Staff consider that this represents opportunities in terms of the possibilities for improved lighting and landscaping within Hendon Gardens, which could be beneficial to the amenity and safety of the locality.

5.4 Design/impact on street/Garden scene

5.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. Hendon Gardens is typified by two storey dwellings with hipped and gabled roofs and blocks of flats.

5.4.2 Policy DC61 states that new properties should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of adjoining properties. It is considered that the external design and appearance of the dwellings would integrate satisfactorily with the streetscene. Staff consider that the height and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality.

5.4.3 The position of the dwellings in the streetscene is considered to be compatible with the general building line in Hendon Gardens. The proposed houses would utilise a mixture of materials including facing brickwork, white painted render and clay plain roof tiles. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. Full details of the samples of materials will be secured by condition if minded to grant planning permission.

5.5 Impact on amenity

5.5.1 On the north western side of the site, the proposed dwellings back on to the rear boundary of dwellings in Hillrise Road. The rear façade of the dwelling on plot 1 is set in 3 metres from this boundary. The dwellings in plots 2 and 3 are

set in 6.5 metres from the north western boundary. The dwelling in plot 4 is set in 5.5 metres from the north western boundary. The impact of the dwellings is partly mitigated by the change in ground levels.

- 5.5.2 The nature of the change in ground levels is such that the ground level of the proposed houses is some 2.5m below the floor level of houses to the north west in Hillrise Road. This means that the ground floor of the proposed houses, although close to the boundaries, would be largely screened from view by boundary treatment and so is not considered to be materially overbearing. There would be a back to back distance of between 17 and 20 metres between the dwellings in plots 1 – 4 and the neighbouring houses to the north west. The first floor windows on the rear façade of the dwellings in plots 1 – 4 serve non-habitable rooms and can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission. Having regard to the change in ground levels, which mitigates potential intrusiveness of the impact, and the absence of first floor habitable room windows on the rear façade of the dwellings in plots 1-4, staff consider that this relationship is acceptable.
- 5.5.3 In respect of the relationship with dwellings on the south eastern side of Hendon Gardens, dwellings would face towards these at a distance of between 13 and 18 metres front to front. As this relationship is across a highway and not necessarily an uncommon situation within the Borough, staff consider, on balance, that this is an acceptable relationship. The impact on No. 135 Highfield Road and the relationship between the new dwellings and the flats at the end of Hendon Gardens is considered to be acceptable owing to the distance between the building and the front and flank relationships.
- 5.5.4 It is considered that the proposed dwelling in plot 5, that is on the southern side of Hendon Gardens, would not result in a significant loss of amenity to No. 137 Highfield Road, as it is in general alignment with its front building line. The proposed dwelling in plot 5 is within between 1m and 4m of the side boundary with No. 10 Hendon Gardens. Although it is sited forward of the front building line of this neighbouring property, it is not considered that this would materially harm the light and outlook of that property. Staff consider, on balance, that this is not unacceptably harmful to amenity, due to its position to the side of No. 10 Hendon Gardens. Consideration has also been given to the fact that the rear façade of the dwelling in plot 5 would be in alignment with that of No. 10 Hendon Gardens. The street tree in the front garden of Plot 5 is being retained.
- 5.5.5 It is considered that there would not be materially greater impact in respect of noise and disturbance compared to that previously generated by the 12 garages on the site. The proposal does create an eight bay parking area adjacent to the flank boundary of No. 135 Highfield Road but this property is screened by an existing brick wall and there is scope for a landscaped buffer to be provided. The impact of this on the amenity of occupiers of No. 135 Highfield Road is therefore considered to be acceptable. The proposal also creates parking bays in place of landscaped areas adjacent to the amenity

areas of flats 19-26 Hendon Gardens as well as flats 48-56 and 58-66 Hillrise Road. It is not considered that this arrangement would be materially harmful to amenity owing to the limited numbers of parking bays and subject to adequate boundary treatment and the provision of a buffer strip.

5.6 Highway/parking issues

- 5.6.1 Currently there is a relatively high level of on-street parking in Hendon Gardens, as few of the dwellings in Hendon Gardens have off-street parking provision. The proposal would provide a more formal parking layout than currently exists by providing a total of 19 parking bays. The agent indicates that this level of parking provision is based on providing 10 spaces for the new housing and 9 spaces for existing users.
- 5.6.2 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be 2 spaces per dwelling.
- 5.6.3 The Highway Authority is aware that planning consent has previously been granted for this development, although it would welcome the provision of more than 9 general parking spaces.
- 5.6.4 On balance, Staff consider that 9 further parking spaces is considered acceptable replacement for on-street parking displaced by the development. The parking arrangements would also be less haphazard than the existing on-street parking situation and staff therefore consider the amount and configuration of the parking proposals to be acceptable in principle.
- 5.6.4 The previous planning application, P2126.07, for the demolition of 12 no. garages and the erection of 5 no. family houses was granted with the provision of 9 spaces for the new housing and 10 spaces for existing users. In this instance, Members may conclude that 9 parking spaces for existing users is sufficient taking into account the parking arrangements would be less haphazard than the existing on-street parking situation. It is Staff's view that it would be difficult to justify a refusal based upon insufficient parking provision for existing users, particularly as the Highway Authority does not formally object to the proposal.
- 5.6.5 The alterations to the road layout remove the existing turning area at the end of the site and creates a larger turning head. Staff consider this relationship to be acceptable in principle, although this may be subject to some minor modifications to meet Highways requirements.
- 5.6.6 Details of cycle storage can be secured by condition if minded to grant planning permission. The Fire Brigade has no objection to the proposal. A condition will be placed in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.

6. The Mayor's Community Infrastructure Levy

- 6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The existing garages have not been in use since January 2010 and as such, have not been in use during six of the last 12 months prior to this application being determined. Therefore, the gross internal floor area of the existing garages cannot be deducted from the gross internal floor area of the proposed dwellings. A total of 491 square metres of new floor space is proposed for the proposed dwellings. On this basis, the CIL liability equals $491 \times \text{£}20 \text{ per sq.m} = \text{£}9,820$.

7. Planning Obligations

- 7.1 A Section 106 Legal Agreement is required to secure a financial contribution of £30,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Draft Planning Obligations Supplementary Planning Document.

8. Conclusion

- 8.1 Staff consider the site to be acceptable in principle for residential development and the removal of the vandalised garages from the site would be beneficial to the locality. It is considered that the siting, design and scale of the dwellings proposed is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. However, the issue for Members is whether 9 parking spaces for existing users is sufficient to justify planning approval. Staff are however of the opinion that 9 parking spaces for existing users is sufficient taking into account the parking arrangements would be less haphazard than the existing on-street parking situation. There would be a financial contribution of £30,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application relates to a garage site, which is within the Council's ownership.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 16/10/2012.

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

31 January 2013

Subject Heading:

**P1416.12 – Land to the rear of Magala,
Southend Arterial Road, Romford**

**Demolition of garage and erection of
one dwelling**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the demolition of an existing double garage block, and the erection of a new dwelling with associated vehicle parking and private amenity space. The application is brought before Members at the request of Councillor Lynden Thorpe, owing to concerns about the possible loss of amenity, dominance of the building, overdevelopment of the site, and safety concerns in the event of fire.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £820. This is based on the creation of 80sqm of new gross internal floor space, less the 39sqm of existing floor space contained in the garages, which have been in use for six out of the last twelve months.

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

- The sum of £6,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

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

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

the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

3. Car parking - Prior to the occupation of the development hereby approved, the proposed vehicle parking spaces shall be provided. The parking spaces shall be retained for the life of the development.

Reason:-

To ensure that the development provides adequate off-street parking spaces.

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

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

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

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

6. Refuse and recycling - The development shall not be occupied or brought into use until a scheme for the collection and storage of refuse and recycling is submitted to and approved in writing by the local planning authority and the refuse and recycling storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

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

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

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

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

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

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

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

10. 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.

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

nearby occupiers. The Construction Method statement shall include details of:

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

Reason:-

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

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

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

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

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

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which

has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

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

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

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

Reason:

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

13. Permitted Development - 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, or any subsequent order revoking or re-enacting that order, no development shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

INFORMATIVES

Highways - Informative:

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that

these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

2. 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.

Community Safety - Informative:

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

4. Reason for Approval:

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives and provisions of the Residential Design SPD and Policies CP1, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 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.

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.

Approval Following Revision

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.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises land to the rear of an existing property, known as Magala, which is a semi-detached dwelling located alongside the Southend Arterial Road. The site forms a square area of land located to the south west of Magala, and comprises a double garage block and hardstanding area. The site is in an untidy condition and has been fenced off from what is now the rear garden of Magala.
- 1.2 The site's north eastern boundary adjoins the rear gardens of the properties known as Magala and Vani; the north western boundary lies adjacent to a private access road shared with other properties; the south western boundary abuts land associated with Nos.1-4 Ferguson Court, which is a two storey block of flats; whilst the south eastern boundary lies adjacent to a communal open space associated with the existing properties forming Ferguson Court.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of an existing block of two garages, and the erection of a two bed, two storey dwelling. The frontage of the proposal would be onto Ferguson Court with the proposal being set back by approximately 6m, with hard and soft landscaping proposed in between. Two parking spaces would be provided to the side, with vehicular access to the site being from the Southend Arterial Road via a private access to the rear of the proposed dwelling.
- 2.2 The proposed dwelling would have a modern design, with a shallow inverse pitched roof and balconies to the front and rear. The proposal would be approximately 6m in height and have a floor area of approximately 50sqm.

3. Relevant History

- 3.1 There are no previous planning decisions of particular relevance to this application.

4. Consultations/Representations

4.1 Notification letters were sent to 37 neighbouring occupiers. Objection letters have been received from 18 neighbouring occupiers, including a petition containing 112 signatures. The objections to the proposal are on the following grounds. The proposal would:

- a) Result in a loss of parking spaces;
- b) Result in access problems, particularly during construction;
- c) Not be in keeping with the character of existing development;
- d) Increase traffic and therefore be detrimental to highway safety;
- e) Not be accompanied by sufficient amenity space;
- f) Include parking spaces that would not be capable of being accessed;
- g) Require land outside the ownership of the applicant;
- h) Result in an over development of the site;
- i) Be a potential fire hazard owing to its close proximity to other properties;
- j) Result in a loss of privacy and natural light to neighbouring properties.

4.2 Objections have been received from Councillors Lynden Thorpe and Michael White, on similar grounds to those cited above.

4.3 Representations have also been received from the following:

Highway Authority - No objections;

Crime Prevention Design Advisor - No objections; condition recommended.

Environmental Health - No objections; condition recommended.

Transport for London - No objections; condition recommended.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework ("the NPPF")

5.2 Regional Planning Policy

The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 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), and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61,

DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations.

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

6. Staff Comments

6.1 The issues arising from this application are the principle of the development, the design and scale of the proposed dwelling, its impact in the street scene and upon the residential amenities of neighbouring properties, and car parking/highways.

6.2 Principle of Development

6.2.1 According to the submitted information, the site was formerly in residential use, forming part of the curtilage of neighbouring properties. As the site no longer forms part of the curtilage of a residential property, Policy CP1 of the LDF applies. This policy states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is considered to be acceptable in principle.

6.3 Density and Site Layout

6.3.1 Neighbouring occupiers have objected to the proposal, stating that it would result in an over development of the site and that insufficient amenity space would be provided.

6.3.2 Policy 3.5 of the London Plan stipulates the minimum internal space standards for new dwellings. For two bed, three person units such as that being proposed, the minimum gross internal area is 61sqm; the proposal would have gross internal area of approximately 80sqm. The proposal would have a site density equivalent to approximately 58 dwellings per hectare. Given the size of the proposed dwelling and the proposed provision of amenity and parking spaces, it is considered that the proposal would not represent an over development the site.

6.3.3 The proposal is for a 2-storey single family dwellinghouse and would have a frontage onto Ferguson Court. The three parking spaces and bin storage area located within Ferguson Court and immediately to the front of the proposal would be unaffected. The property would have a back-to-front arrangement with vehicular access being to the rear, and pedestrian access being to the front.

6.3.4 In terms of its density and site layout, the proposal is considered to be acceptable.

6.4 Design Considerations

- 6.4.1 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 Neighbouring occupiers have objected to the proposal, stating that it would result in an over development of the site and that it would not be in keeping with the surrounding built environment.
- 6.4.3 The proposal is for a 2-storey single family dwellinghouse and would have a frontage onto Ferguson Court which is an area characterised by flat roofed houses and flatted development, constructed in the 1960s. Properties to the rear of the proposal are more traditional in appearance. It is considered that it is the character of Ferguson Court, which the proposal would have the most potential to have an impact upon. The proposal would have a modern, blocky form that it is considered would be in keeping with the surrounding development. The roof of the proposal would comprise an inverse pitched roof, the shallow nature of which would not look significantly dissimilar to the neighbouring flat roofed buildings. The height of the proposed dwelling would be comparable to the flat-roofed, block of four flats located immediately to the south.
- 6.4.4 The fenestration of the proposal would differ from the surrounding properties, including balconies and different openings. However, it is not considered that these features would be significantly harmful to the character of the area. A condition could be imposed requiring the approval of materials to ensure that the main facing materials match those of the surrounding development. Subject to this condition, it is considered that the proposed building itself would not be harmful to the visual amenities of the local area.
- 6.4.5 It is recommended that conditions be imposed requiring the submission of details relating to the proposed use of external materials, boundary treatment, landscaping, and refuse storage, and to remove permitted development rights, to ensure that the proposal has an acceptable ongoing impact on the character of the area. Subject to the use of these conditions, it is considered that the proposal, given its siting, scale, and design, would not be significantly harmful to the character of the area, and in this regard, would be in accordance with Policy DC61 of the LDF.

6.5 Amenity Considerations

- 6.5.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.5.2 Neighbouring occupiers have objected to the proposal stating that it would result in overlooking and a loss of natural light to neighbouring properties. It

is also stated that there would be insufficient amenity space for the use of future occupiers.

- 6.5.3 The proposal would include approximately 50sqm of private amenity space at ground level, along with balconies to the front and rear. It is considered that the proposal would provide sufficient amenity space for the use of future occupiers.
- 6.5.4 The nearest neighbouring properties to the proposal would be Nos. 1-4 Ferguson Court, which form a two storey block of flats approximately 2m to the south of the site. This building does not have any side windows facing the site, and the proposal would be built in line with this block. The block comprising Nos. 5-14 Ferguson Court would be located approximately 15m to the north east. The dwellings known as Magala and Vani would be located approximately 21m to the north.
- 6.5.5 The proposal would not include any flank windows and the ends of the proposed balconies would be screened. Given the siting of the proposal in relation to existing properties, including its orientation and the proposed separation distances, it is considered that it would not result in any significant adverse impacts on the amenity of neighbouring occupiers, in terms of overlooking, loss of natural light, or loss of outlook.
- 6.5.6 A condition is recommended to prevent the future insertion of flank windows into the proposal, and to remove other permitted development rights to prevent further development that might adversely affect the amenity of neighbouring occupiers.
- 6.5.7 Subject to the afore mentioned condition, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers and in terms of amenity, the proposal is considered to be in accordance with Policy DC61 of the LDF.

6.6 Parking and Highway Issues

- 6.6.1 The site would be accessed from a private, unadopted access road leading to the Southend Arterial Road. Neighbouring occupiers have objected to the proposal stating that the proposal would result in a loss of parking spaces in the local area and diminish highway safety owing to an increase in traffic.
- 6.6.2 The proposal would include two parking spaces. The Council's Highways officers have raised no objections, considering the proposed provision of parking spaces to be acceptable. Transport for London, who are responsible for the Southend Arterial Road have raised no objections subject to the use of a condition requiring the submission of a construction method statement. This condition can be imposed should planning permission be granted.
- 6.6.3 Should planning consent be granted, a condition is recommended requiring that the proposed parking spaces be provided and retained for the life of the

development. A further condition is also recommended requiring the submission of details relating to cycle storage.

- 6.6.4 Officers consider the application site would provide sufficient parking for the size of dwelling being proposed, and that it would comply with the parking standards as set out by Policy DC33 of the LDF Development Plan Document.

6.7 Community Infrastructure

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 41sqm, which equates to a Mayoral CIL payment of £820.

- 6.7.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £6,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

6.8 Other Considerations

- 6.8.1 Neighbouring occupiers have objected to the proposal, in part, on the grounds that the proposal would be built on land outside the ownership of the applicant. However, the submitted information states that the site is fully owned by the applicant. Disputes over land ownership are private, civil law matters, rather than planning, matters.

- 6.8.2 Objectors have also stated that the proposal would cause a safety hazard in the event that a fire engine needed to gain access to the site. It is considered that the proposed development would be accessible to the Fire Services in the event of an emergency.

7. Conclusion

- 7.1 Subject to the completion of a legal agreement and the afore mentioned conditions, the proposed development is considered to be acceptable having had regard to Policies CP1, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Planning application p1416.12, all submitted information and plans.

**REGULATORY
SERVICES
COMMITTEE**

31 January 2013

REPORT

Subject Heading:

**P1354.12 Winifred Whittingham House,
Brookway, Rainham**

Report Author and contact details:

**Creation of 36 no. two and three
bedroom semi-detached and terraced
dwellings, plus associated roads,
paths, car parking, landscaping and a
new area of public open space
(application received 20 November
2012; revised proposals received 21
December 2012).**

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The application is for the redevelopment of this site to create 36 units, comprising a mix of two and three bedroom houses. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A viability report has been submitted to justify the affordable housing offer and is being independently appraised. Subject to the independent appraisal justifying the affordable housing offer the proposal will be acceptable in this respect. The proposal is judged to be acceptable in all material respects and, subject to the completion of a Legal Agreement and conditions, it is recommended that planning permission is granted.

The application site comprises Council owned land.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £59,440. This is based on the creation of 2,972m² of new gross internal floor space.

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 4 of the units within the development as affordable housing on the basis that an independent assessment of viability of the proposed development confirms this is the maximum the development can support.
- A financial contribution of £216,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the 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 approved by the local planning authority:

PH116-004 Rev. A
PH116-005 Rev. L
PH116-006 Rev. J
PH116-007 Rev. P
PH116-008 Rev. H
PH116-009 Rev. J

PH116/LS/01 Rev. D
PH116-03-01 Rev. E
PH116-50-04 Rev. C
PH116-50-05 Rev. D
PH116-50-01 Rev. D
PH116-50-02 Rev. D
PH116-50-03 Rev. C
PH116-50-06 Rev. C
PH116-50-07 Rev. C
PH116-50-08 Rev. D

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 – The development shall be carried out in accordance with the details of external materials shown on drawing no. PH116-006 Revision J hereby approved, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

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

5. Landscaping – The development shall be carried out entirely in accordance with the hard and soft landscaping proposals shown on drawings no. PH116/LS/01 rev. D hereby approved. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

6. 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 –Notwithstanding the details of boundary treatment shown on drawing number PH116-007 rev. P, prior to the commencement of development details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary

treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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

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

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in the National Planning Policy Framework, Policy 7.3 of the London Plan and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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

11. Biodiversity –The development shall be carried out in accordance with the recommendations set out in paragraphs 4.2 and 4.3 of the Ecological Scoping Survey dated May 2012 and received on 6 November 2012.

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. 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 for 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 for Investigation approved under Part A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording) in accordance with the provisions of Policy DC70 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policy 7.8 of the London Plan and the National Planning Policy Framework.

17. 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.

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

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

19. 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.

20. Site Waste Management – The development hereby approved shall be carried out in accordance with the submitted Site Waste Management Plan received on 20 November 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.

21. 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 (other than outbuildings with a volume no greater than 10 cubic metres) 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.

22. 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.

23. 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.

24. Flood Risk: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2012, reference 51080 (issue 1.1) compiled by Resource & Environmental Consultants Ltd. and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set approximately 600mm above average site levels (FRA section 4.5.1, page 12).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to reduce the risk of flooding to the proposed development and future occupants.

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. The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
5. 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.

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, DC18, DC20, 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, 3.8, 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 is situated on the north-west side of Brookway, Rainham. It has an area of 0.81 hectares. The site consists of the building and grounds of Winifred Whittingham House, which was in use as a care home but is now unoccupied. The existing building on the site is predominantly single storey but with some two storey elements, with a parking area to the site frontage and landscaped gardens to the rear. The application site also incorporates part of the existing play area, which abuts the western boundary of the site. The application site is located within a flood plain. Ground levels on this side of the road are generally higher than to the south side of Brookway.
- 1.2 The area surrounding the application site is predominantly residential in character and largely comprises two storey dwellings, either semi-detached or arranged in short terraces. There is an existing mews development of eight units located to the north of the site (Parkview Mews). The western

boundary of the site adjoins an existing play ground, which is largely grassed but also includes some children's play equipment.

2. Description of Proposal

- 2.1 The application proposes the demolition of the existing building and the redevelopment of the site to provide a total of 36 new dwellings. The application site includes part of the adjacent park but makes provision for an equivalent area of land to be reinstated into the park to compensate for this. The purpose of this 'land-swap' is to create a straighter boundary to the western side of the site and improve the development potential of the land.
- 2.2 The proposals maintain an access to the site from Brookway. To the eastern side of the access, fronting on to Brookway, a terrace of five houses is proposed, with a row of five pairs of semi-detached houses to the western side of the access, also fronting onto Brookway. The main access road through the site curves in a westerly direction and serves the remaining houses in the development, which are arranged in short rows of linked, semi-detached housing. There is a further terrace of three dwellings at the northern end of the site, accessed from a private drive extending off the main access route. The development provides a total of 55 parking spaces.
- 2.3 The development proposes a total of eight different house types, although they all have similar characteristics. All of the proposed dwellings are two storeys high. The dwellings fronting on to Brookway are 'book-ended' by front facing gabled features and are designed with hipped, pitched roofs, rising up to a maximum ridge height above ground level of 9m. The dwellings are relatively traditional in character and appearance. Details and samples of materials have been submitted with the application and consist of red and buff coloured brick, with occasional use of timber cladding, and red or grey roof tiles.
- 2.4 A similar type and character of design is exhibited throughout the remainder of the development. Ridge heights are relatively consistent at 8.5-9m high and the same palette of materials and traditional design is used throughout. There are a number of linked, semi-detached houses within the centre of the development. Those on plots 7-10 and 13 are linked by way of single storey structures providing undercroft parking, whilst those on plots 20-24 are linked by first floor structures, which provide first floor bedroom accommodation with undercroft parking beneath.
- 2.5 Detailed landscaping proposals have been submitted with the application. Some existing trees will be removed from the site, including two trees on the public highway to the Brookway frontage of the site.
- 2.5 The application is accompanied by a suite of supporting documents including a planning statement, viability appraisal, affordable housing statement, arboricultural study, ecology survey, contaminated land assessment, daylight/sunlight assessment, design and access statement, energy statement, flood risk assessment, noise assessment, sustainability

statement, landscape proposals, safer places statement and transport statement.

3. Relevant History

- 3.1 P1373.97 Change of use of 4 rooms within existing complex (disused staff accommodation) to Social Services Offices providing services for elderly persons – approved.
- 3.2 F0004.12 Determination whether prior approval is required for demolition of Winifred Whittingham House – prior approval required and granted.
- 3.3 Z0016.12 Screening Opinion for an Environmental Impact Assessment – EIA not required.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 84 local addresses. 5 letters of representation have been received. One letter of representation requests that service road behind Wennington Road properties is not obstructed, a hoarding should be placed along the service road, noise from development to be kept down as far as practical. The other 4 letters raise objection on the following grounds:
 - inadequate parking, especially while works are in progress
 - proposal will lead to parking congestion in Brookway
 - entrance could be where existing entrance is
 - increase in noise pollution
 - visually crowds area
 - should be redeveloped to provide new residential home for elderly
 - blocks sunlight
 - overlooking
 - will increase anti-social behaviour that already exists from local youths
 - would prefer park to be moved.
- 4.2 The Borough Crime Prevention Design Advisor has advised that higher boundary fencing and communal gates should be used in parts of the development but overall there are no objections to the proposals subject to community safety related conditions. The proposals have subsequently been revised to increase the height of boundary fencing.
- 4.3 Essex & Suffolk Water advise proposal does not affect existing apparatus. Give consent for development on condition a new water main is laid in the highway and connection made onto the Company network.
- 4.4 Thames Water raise no objection on sewerage infrastructure grounds and advise developer is responsible for making proper provision for drainage.

- 4.5 The Fire Brigade advise access to plots 17-19 does not appear to comply with Section of ADB volume 1.
- 4.6 Environmental Health raise no objection if conditions imposed relating to hours of construction and noise insulation.
- 4.7 English Heritage (GLAAS) advise there is potential for finds of archaeological interest on the site and request a condition for further investigation if permission is granted.
- 4.8 The Environment Agency advises that the site is in flood zone 3. The development must pass the Sequential Test to be considered appropriate i.e there should be no alternative sites available at a lower risk of flooding. If the site passes the Sequential Test then development will only be appropriate subject to conditions to reduce the risk of flooding.
- 4.9 Highways advise there is no objection to the proposals, which meets the required parking standards. Cycle parking should be provided to LDF standards. The proposals provide a satisfactory access from Brookway, Rainham and given the number of units served and the standard of the design geometry used the Authority would seek adoption of this road. This process will require the developer to enter in a Sectional Highway Act Agreement. The Authority is satisfied with the process used to determine the level of vehicular trips from the new units and is further satisfied that this will not impact significantly on the surrounding road network.

5. Relevant Policies

- 5.1 Policies CP1, CP2, CP9, CP10, CP14, CP15, CP16, CP17, CP18, DC2, DC3, DC6, DC7, DC18, DC20, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

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

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport

capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

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

6. Staff Comments

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

6.2 Principle of Development

- 6.2.1 The part of the application site forming part of the Winifred Whittingham house and grounds 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). The existing building on the site is not of any particular heritage interest and its demolition and replacement with new development is acceptable in principle.
- 6.2.2 The northern part of the curtilage of the care home comes to a point between the park and the houses in Parkview Mews. In order to create a more developable site area, the proposal includes a land swap, which effectively straightens the western boundary of the site. An equivalent area of land will be swapped between the application site and the adjacent park, such that there is no net loss of open space and the requirements of Policy DC18 of the LDF are met. The effect of this on the adjacent open space is that a new vehicle access and gate into the park would need to be created from the south (Brookway) side, which can be used by visitors to the park and maintenance vehicles. This would be secured through the contract of sale and is outside of the application site boundaries. Given there is no net loss of open space the proposal is considered acceptable in principle. The development contributes to the provision of housing within the Borough and therefore complies in principle with Policy CP1 of the LDF and Policies 3.3 and 3.4 of the London Plan.

6.3 Density and Site Layout

- 6.3.1 With regard to Development Control Policy DC2, this site is outside the PTAL zone identified on the proposals map and therefore is classified as 'rest of the borough' where a density range of 30-50 units per hectare

applies. The application site has an area of 0.81 hectares and proposes 36 new dwellings. This equates to a development density of 44.4 units per hectare and is within the range specified in Policy DC2.

- 6.3.2 The development proposes a development of two and three bedroom family housing. This complies in principle with the aims of Policy DC2 in respect of dwelling mix and Policy 3.8 of the London Plan relating to housing choice. A number of the units within the development have internal areas that meet the internal space standards set out in Policy 3.5 of the London Plan. The Ga and Gb housetypes (3 bed, 4 person dwellings) however have an internal floorspace of 82.6 square metres, compared to the London Plan minimum requirement of 87 square metres. Members will wish to consider whether this internal shortfall of around 5 square metres is materially harmful to the living conditions of future occupiers of the development. The Ga and Gb housetypes constitute 18 (i.e. 50%) of the dwellings within the development. There is a further housetype Ha (2 bed, 3 person) which comprises a further 7 units within the development. This housetype is not specifically addressed in the London Plan space standards. However, it is not a particularly large unit with a gross internal area of 69 square metres.
- 6.3.3 There is judgement to be applied as to whether the number of units within the development falling below the London Plan requirements is acceptable. In considering this issue Staff have looked at the development in the round and, as the scheme is not outside of high density or unreasonably cramped in terms of layout and amenity provision and as the dwellings themselves have an acceptably useable and functional internal layout, it is considered on balance that the size of the units would not, of themselves, give rise to a fundamentally poor standard living environment. Staff therefore consider the proposal to be acceptable in this respect.
- 6.3.4 In respect of site layout, the application proposes an access point taken from Brookway and main access road which extends northwards, then curves in a westerly direction towards the boundary with the park. A private access road runs north from the main access road, adjacent to the boundary with the park, serving the three most northerly dwellings within the site. The layout of the site is considered to provide a reasonably spacious arrangement of the dwellings, all of which have access to private amenity space, which in terms of size, layout and usability meet the guidance in the Residential Design SPD. It is however recommended that permitted development rights are removed by condition in view of plots sizes and the relationship between dwellings.
- 6.3.5 The units to the Brookway frontage of the development are set back from the site boundary and have in curtilage parking to the front gardens. Staff consider this does not appear out of character with the surrounding area. A detailed landscape proposal has been submitted with the application and revised in accordance with advice from the Council's tree officer. Although the proposal would involve the loss of two street trees on the public highway, it is considered that this would be sufficiently compensated for by the proposed landscaping, which includes the provision of nine new trees to

the site frontage. The mix of hard and soft landscaping to the site frontage would also soften the visual impact of the frontage parking such that the development would appear acceptable in the Brookway streetscene.

- 6.3.6 The Borough Crime Prevention Design Advisor has been consulted at pre-planning stage and it is considered that reasonable measures have been undertaken to make the development as safe as possible. The proposals have been revised at the CPDA's request to improve the security of boundary treatments and this will be secured by condition. It is nonetheless recommended that conditions relating to Secured by Design and other community safety measures be imposed if permission is granted.
- 6.3.7 The development is designed to Lifetime Homes standard and 5 of the units are designed to be adaptable to wheelchair housing standards. Accordingly the scheme is in accordance in principle with Policy DC7 of the LDF and the requirements of Policy 3.8 of the London Plan.

6.4 Design and Visual Impact

- 6.4.1 Architecturally, the proposed dwellings have a traditional appearance, constructed predominantly of brick with a tiled pitched roof. Further visual interest is added through the intermittent use of weatherboarding, which breaks up the perceived mass of the development, particular the terrace to the site frontage. There is no predominant character to development in the locality, although built form, materials etc. tend to be of traditional appearance, such that the proposed development is considered to be appropriate to the locality. Details of materials are given in the application and are judged to be acceptable. The external materials should be secured by condition.
- 6.4.2 In terms of scale and massing, the proposed dwellings are predominantly two storey, although they are designed with a steep roof pitch, which enables accommodation to be provided in the roofspace. In terms of their impact on the Brookway streetscene, the proposed dwellings are of a scale and massing that will be distinctive compared to existing dwellings, due to the overall ridge heights (9m maximum), the gabled flanking elements and the variation in ground levels between the north and south side of Brookway. However, they are of a form (i.e. semi-detached and terraced housing) which is appropriate to the locality and given their siting at least 9m in from the front boundary of the site, the houses are not considered to be unacceptably intrusive or overbearing. The houses adjoin an area of open space and therefore are effectively able to establish their own character on this side of Brookway without a need to follow either the scale or design of nearby development. The impact on the Brookway streetscene is therefore considered to be acceptable.
- 6.4.3 Within the centre of the site the proposed development will effectively establish its own character, such that the scale and design of the proposed dwellings fit with each other and provide a consistent character.

6.4.4 The proposed development would be visible within Parkview Mews, to the north of the site. The most northerly units within the development, plot 19, is designed so that the principal elevation faces north onto Parkview Mews. This is one of the weather boarded dwellings but it is considered that this adds character to this part of the site frontage and appears acceptable in the wider streetscene. This dwelling benefits from pedestrian access to Parkview Mews but not vehicular access as Parkview Mews is a private road.

6.5 Impact on Amenity

6.5.1 The proposed dwellings fronting on to Brookway will face towards dwellings on the south side of the road. The façade to façade distance will be in the region of 28m and this distance, combined with the orientation, is considered sufficient to prevent material loss of amenity to residents on the south side of Brookway through loss of light, shading or interlooking.

6.5.2 The proposed development is separated by the nearest dwellings to the west by the existing park so will not materially affect these properties. Existing dwellings to the east face on to Wennington Road, so back on to the application site. They have lengthy rear gardens and are separated from the site by a rear access road such that the back to back distances comfortably exceed 30m. The development is not therefore considered to materially impact on the amenity of residents to the east of the site.

6.5.3 To the north/north-east of the site lies Parkview Mews. The terrace of houses at 4-8 Parkview Mews is directly north of the site and there is a façade to façade distance of 19m between no.4 Parkview Mews and the front elevation of the nearest proposed dwelling (plot 19). This is considered sufficient to maintain the privacy and amenity of the properties to the north of the site.

6.5.4 To the north-east is a terrace of houses numbered 1-3 Parkview Mews, of which no.3 directly adjoins the eastern boundary of the site. The proposed dwellings on plots 17-19 are sited perpendicular to no. 3 Parkview Mews. The boundary runs at an angle so the garden depths of the proposed dwellings vary between 6m and 15m. No. 3 does not have any flank windows. It is considered, given the distances involved, the angled relationship between the sites and the back to flank relationship, that the proposal would provide acceptable amenity for both the occupier of no.3 Parkview Mews and of the proposed dwellings. The proposed dwellings on plots 11 and 12 also share a boundary with this property. The dwelling to plot 11 is side on to the rear of this property, with no first floor flank windows, and set a sufficient distance from the shared boundary to prevent material harm to amenity. Plot 12 backs on to the rear garden of no.3 Parkview Mews but the nearest first floor rear window to the shared boundary serves a bathroom so can be obscured glazed and the nearest bedroom window is judged to be sufficiently far from the boundary to prevent loss of privacy.

6.6 Environmental Issues

- 6.6.1 The application site is located in Flood Zone 3. The Environment Agency has advised that the development is unacceptable unless a Sequential Test is undertaken demonstrating that there are no sequentially preferable sites for the proposed development. Staff have undertaken the required Sequential Testing and have looked at the availability of alternative development sites within the Rainham and Wennington locality, south of the A1306, in order to cater for demand for housing locally. Given much of the locality is in flood zone 3 and there is Green Belt further to the east in Wennington sequentially preferable alternative sites are uncommon. Given also that the Winifred Whittingham site has been developed previously and has a residential use, the proposal does not create a 'more vulnerable' use than that which it exists. Having regard to these factors it is considered that this is the most preferable site known to Staff in the immediate locality and that residential development on the site could be accepted. The proposed housing would, in fact, be less vulnerable to flooding than the existing sheltered housing provision as it could be built to better withstand the risk of flooding.
- 6.6.2 A land contamination desk top and site investigation study have been carried out. A condition is recommended in respect of land contamination issues.
- 6.6.3 An energy strategy and sustainability statement have been submitted with the application. It is recommended that the aims of these statements be secured by condition and will require a minimum of Code level 3 to accord with current LDF policy.
- 6.6.4 An Ecological Scoping Survey has been submitted with the application. The survey has not found indication of the presence of any rare or protected species, on the site. The report does however make recommendations relating to the impact of development on nesting birds and bats. It is therefore recommended that a condition be imposed requiring the development to be carried out in accordance with the requirements and recommendations of the ecological report.
- 6.6.5 English Heritage (GLAAS) advise that the proposal may affect remains of archaeological significance and should be subject of a condition requiring a programme of archaeological work to be undertaken. This will accord with Policy DC70 of the LDF and Policy 7.8 of the London Plan.

6.7 Parking and Highway Issues

- 6.7.1 The application proposes a total of 55 parking spaces, which equates to an average of 1.5 spaces per unit. The site has a PTAL rating of 1 and the LDF indicates that parking should be within the ratio of 2-1.5 spaces per unit. The proposal is therefore compliant in principle with the LDF. The development comprises 2 and 3 bed houses, which each have either one or two parking spaces per unit, creating the overall ratio of 1.5 spaces average

per dwelling. Highways have indicated that the amount and apportioning of the parking spaces is acceptable. Staff consider the parking spaces to be acceptably laid out within the site and to be adequate to serve the proposed development. The amount of parking is considered to be consistent with Policy 6.13 of the London Plan.

6.7.2 Each dwelling will be required to make provision for cycle storage to accord with the standards set out in Annex 6 of the LDF.

6.7.3 In terms of impact on road capacity and junctions Highways have no objections to the proposals.

6.7.4 Streetcare have been consulted in respect of the proposals and raise no objection to refuse collection arrangements. At the time of writing this report the Fire Brigade have raised concern with regard to access to the dwellings on plots 17-19. This issue is still under discussion and Members will be advised of the outcome of this at the meeting.

6.8 Affordable Housing

6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this current application a financial appraisal which in the applicant's view justifies the provision of 4 units of affordable housing within the scheme. An independent economic viability assessment is being undertaken at the time of writing this report and Members will be advised of the outcome of this at the meeting.

6.9 Infrastructure

6.9.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £216,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

7. The Mayor's Community Infrastructure Levy

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The building to be demolished has not been used for six of the last twelve months so is not deductible from the CIL payment. The applicable fee is based on an internal gross floor area of 2,972m² which equates to a Mayoral CIL payment of £59,440.

7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

- 8.1 The proposed residential development on the site is acceptable in principle. The design and layout of the proposed development is generally considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. 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.
- 8.2 A viability appraisal has been submitted to justify the affordable housing offer and Members will be advised of the outcome of independent appraisal of this. There will be 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 the completion of 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 Council owned land.

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 and include wheelchair adaptable units. The development also provides an element of affordable housing and thereby contributes to the provision of access to quality housing for all elements of the community.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 20 November 2012 and revised plans received 21 December 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

31 January 2013

Subject Heading:

P1296.12 –Land opposite 1 & 3 Craven Gardens, Lodge Lane, Collier Row – Development of part of former playground for 3 No. 3-bed and 1No. 4-bed houses (received 16 November 2012; revised plans received 15 January 2012)

Report Author and contact details:

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01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the erection of two semi-detached pairs of houses with three 3-bedroom and 1x 4-bedroom houses. This would include the provision of new vehicular accesses onto Craven Gardens and retain the existing access into the retained playground area to the rear (North). Staff consider that the proposal would accord with housing, environment and highways/parking policies

contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to the completion of a Legal Agreement and conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 370m² and amounts to £7,400.

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

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the legal agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That Staff be authorised to enter into such a legal agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

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

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

3. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications submitted to and approved by the Local Planning Authority.

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

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

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

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

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

6. Sound insulation: The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. Construction hours: No construction works or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity

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

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

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

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

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

Reason: In the interests of Highway safety.

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

Reason: To enhance the visual amenities of the development and in accordance with Policy DC60 of the LDF Core Strategy and Development Control Policies DPD.

11. boundary treatment: Prior to commencement of the development, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the proposal has an acceptable impact on visual amenity in the street scene in accordance with Policy DC61 of the LDF Development Control Policies DPD.

12. alteration to the 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 LDF Core Strategy and Development Control Policies DPDs.

13. Highways agreement: The necessary agreement, notice and/or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development. A Commercial standard access will be required for demolition and construction activities.

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

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

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in NPPF, and The London Plan , and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

15. Permitted development restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place to the units hereby approved under Classes A, B, C, D or E unless permission under the provisions of the Town and

Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

17. Obscure glazing: The proposed windows to the flank elevations of the properties hereby approved shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 14, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

2. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
3. The developer is reminded that they are responsible for the proper provision of drainage to ground, water courses or a suitable sewer. They also indicate that there are public sewers crossing or close to the application site and that the approval of Thames Water would be needed if any works would come within 3m of a public sewer, but it would be likely to be refused for any new buildings.

4. The developer is advised that there are mains in the vicinity of the application site and Essex and Suffolk Water will not accept buildings within 3m of the mains nor within 3m either side of an easement.

5. Reason for approval:

The proposal accords with Policies CP1, CP7, CP17, DC2, DC3, DC18, DC20, DC61 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, the London Plan and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97.00 is required per submission pursuant to discharge of condition.

6. 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

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

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

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 370m² which equates to a Mayoral CIL payment of £7,400.

REPORT DETAIL

1. Site Description

- 1.1 The application site to the north of the highway, Craven Gardens, close to the junction with Lodge Lane comprises a grassed area which, at the time of the site visit, was in use for horse grazing. It formerly formed part of a vacant playground/recreation area. To the south-east of the application site are gates in the boundary fencing. The site area is 0.07 hectares.
- 1.2 The site adjoins an area of Metropolitan Green Belt to the west and north of the application site which comprises the remainder of the former playground area; beyond which are open fields. To the south and east of the site are mainly two-storey residential properties to Craven Gardens and Lodge Lane, within the urban area.

2. Description of Proposal

- 2.1 The proposal is a resubmission following a refusal in 2012 (P0465.12) for four houses. This proposal is for the erection of 4 houses to the Craven Gardens frontage. They would be provided as two pairs of semi-detached houses, both 3 bed within one pair and comprising a 3-bed and 4-bed unit within the other pair. A vehicular access to the rear field would be retained to the east of the houses.
- 2.2 The proposed houses would be in a traditional design with tiles, render and brick each with a front double-height square bay.
- 2.3 The semi-detached pair of 3-bed houses would be located to the western side of the application site and would each be 8.85m wide and 5.9m deep with a pitched roof with a ridge height of 7.95m above ground level.
- 2.4 The semi-detached pair of 3/4-bed houses would be 5.3m wide, 9.4m deep and with a pitched roof with a ridge height of 8m above ground level (3 bed) and 6.6m wide, 9.4m deep and with a pitched roof with a ridge height of 8m above ground level (4 bed).
- 2.5 Residential amenity space would be provided for each property mainly to the side of each of the three-bed properties and would be 45 sq.m with one of approximately 57 sq.m. The four-bed property would have a rear/side garden of 145 sq..m.
- 2.6 Each property would be provided with two parking spaces. A new vehicular access would be provided for each property onto Craven Gardens.
- 2.7 The main differences between this and the previously refused scheme are:
 - reduction in site area to exclude the Metropolitan Green Belt
 - change of one 4-bed house to a 3-bed house

- reduction in size of properties from a total gross internal floor area of 566 sq.m to 370 sq.m
- re-orientation of the 3-bedroom semi-detached pair (relatively increasing the width and reducing the depth)
- reduction in ridge heights
- reduction in set back from the back edge of the highway

3. **History**

- 3.1 P0485.09 - Development for former playground for 2x2 bed and 1 x4 bed house – Approved 01/06/09
- 3.2 P0465.12 – Erection of 4 dwellings (2x3-bed semi-detached and 2x4 bed) – Refused 06/09/12 for the following reasons:

1) The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in the National Planning Policy Framework state that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the proposed new buildings and enclosure of Green Belt land as residential garden would only be permitted outside the existing built up areas in the most exceptional circumstances. No very special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy.

2) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.

- 3.3 P0639.12 – Extension of time application to P0485.09 Development for former playground for 2x2 bed and 1x4 bed house – Resolution to approve subject to legal agreement 13-09-12; legal agreement not yet completed.

4. **Consultation/Representations**

- 4.1 17 neighbouring and nearby properties were notified of the application for a time extension. A site notice was posted and a press notice placed in a local paper. There were no replies.
- 4.2 The Metropolitan Police Design Advisor has written to request that conditions and an informative attached to the original approval in relation to Secured by Design are similarly attached to the current application.
- 4.3 Thames Water have written to remind the developer that they are responsible for the proper provision of drainage to ground, water courses or a suitable sewer. They also indicate that there are public sewers crossing or

close to the application site and that their approval would be needed if any works would come within 3m of a public sewer, but it would be likely to be refused for any new buildings.

- 4.4 Essex and Suffolk Water have previously written to indicate that there are mains in the vicinity of the application site and will not accept buildings within 3m of the mains nor within 3m either side of an easement.
- 4.5 The Fire Brigade (LFEPA) indicate that they are satisfied with the proposals.
- 4.6 English Heritage have previously written to advise that there is no requirement for any archaeological investigation.

5. **Staff Comments:**

- 5.1 The main issues are the principle of the development, impact on the open character of the green belt, density, impact in the streetscene, impact on residential amenity and highways/parking. Policies CP1, CP7, CP17, DC2, DC3, DC18, DC20, DC45, DC61 and DC72 of the Local Development Framework Core and Development Control Policies Development Plan Documents are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

5.2 *Principle of development*

- 5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The proposal is for the redevelopment of part of the existing field, formerly a playground, for residential development. Policy CP7 indicates that the Council will seek to retain and increase access to recreation and leisure opportunities by, among others, retaining existing facilities where a need exists. Policy DC18 specifies that if public open space is surplus to requirements because other facilities exist in the locality, alternative uses will be allowed. Policy DC20 indicates that the Children's Play Space standard is 0.8 hectares per 1,000 population with access to formal/informal play provision within 400m of home.
- 5.2.2 A new formal play area has been provided to the south in Lodge Lane, however, it is located approximately 600m from the application site. The remainder of the existing playground would be retained together with (as part of the current proposal) its existing access from Lodge Lane. No details have been provided as to a specific use of this area although it is within the Metropolitan Green Belt where Policy DC45 indicates that outdoor recreation would be a suitable continuing use. In addition, Lodge Lane itself provides access to the north into the Green Belt, for informal recreation, mainly walking and similar activity.
- 5.2.3 It was previously considered that the existing site had limited recreational value as it was locked, contained no useable play equipment and has been effectively unused land for a considerable period of time. Therefore the loss of the small area of open land (outside the Green Belt) was considered previously to be acceptable.

- 5.2.4 The proposal is for the erection of housing within the urban area. Whilst this is directly adjacent to the green belt and somewhat remote from facilities, it is considered that the site accords with Policy CP1 in that it would help to meet the housing targets and would be on existing open urban land, would be on land not designated for other uses within the urban area and would additionally be outside the Green Belt. The site is also served by public transport (a short walk to the south) and there are some limited shops in the locality and at the far end of Lodge Lane.
- 5.2.5 The London Plan and the NPPF promote the better use of urban land and support in general the provision of a range of housing to meet identified needs. Therefore, Staff consider that the proposed development would be acceptable in principle.

5.3 *Density/Site Layout*

- 5.3.1 The proposal is for 4 houses on a site of 0.07 hectares. In this location with a low public transport accessibility level, the residential density range is between 30 and 50 units per hectare. The proposal would have a density of 57 units per hectare which would be above this range. Nonetheless this is just one measure of the acceptability of a development and the main consideration is whether the proposal is of acceptably high standard of design and layout.
- 5.3.2 The site would be laid out with a set back to the front with two tandem parking spaces provided in curtilage to the side of each house. To the rear of each house a garden would be provided.
- 5.3.3 The London Plan indicates in Policy 3.5, table 3.3 that minimum space standards for new residential across the whole of the Capital should be 87 sq.m for 3bed 4 person households and 107 sq.m for 4-bed 6 person households. The proposed three, three-bedroom houses would have a gross internal floor area (gifa) each of 87 sq.m and the four-bedroom dwelling would have a GIA of 109 Sq.m. This would meet this minimum requirement, nonetheless paragraph 3.36 indicates that "These are minimum standards which developers are encouraged to exceed." Staff consider that the size of the dwellings proposed would not be so unacceptable as to refuse planning permission on this ground alone.
- 5.3.4 In respect of amenity space provision, the Residential Design SPD indicates that the fundamental design consideration for amenity space should be its quality and usability. Gardens should be of a similar size to those in the locality and be able to provide for the day to day needs of occupiers. Two of the proposed rear amenity spaces for the three three-bedroomed houses are of around 45 sq.m. with the other one approximately 57 sq.m and that for the 4-bed house, 145 sq.m. It is considered the smaller gardens would be of more limited usability, particularly as they are short, at around 4m deep and north-facing. Nonetheless, as a matter of judgement, and in view of the layout of the previous approvals which had constrained garden areas, it is considered that the proposed amenity space would be acceptable.

5.3.5 In conclusion, Staff consider that the proposal would be of a satisfactory density and layout.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The development would result in two-storey residential development where there are currently no buildings, it would therefore be particularly visible in the street scene of Craven Gardens and, to a lesser degree in Lodge Lane. The new properties would also be clearly visible from the adjoining Green Belt land.

5.4.2 The proposals are for two-storey properties which Staff consider would generally be in character with the existing residential properties of mainly two-storey detached and semi-detached properties in the locality.

5.4.3 The proposed dwellings have been set back from Lodge Lane such that they would not sit forward of the building line to this side of Lodge Lane. As such, it is considered that the development would not be visible in longer views from the south along Lodge Lane and would have the same relationship with properties on the opposite side of Lodge Lane as exists to the south, albeit that it would front onto Craven Gardens rather than onto Lodge Lane. It is therefore considered that the vista view of the open/green area at this end of Lodge Lane would be retained.

5.4.5 The proposed properties would be set between 0.5 and 0.7m from the back edge of the proposed new footway. This would be significantly closer to the highway than properties opposite in Craven Gardens at over 6m back which is deeper than usual for modern property development. Staff consider that the proposal's set-backs together with the spacings between the buildings/side boundaries, would not result in the development having an overbearing/over-dominating impact on visual amenity in the street scene. Given the limited depth of the application site, the principle of development closer to the site frontage than occurs on the south side of Craven Gardens, has already been accepted in principle by the earlier approval. The proposal is not considered to have a significantly different visual impact in this respect compared to the previous approval.

5.4.6 As this would be the first development to this side of Craven Gardens/Lodge Lane, there is no existing rear garden environment. Due to the separation between the two sets of houses (just over 7m), while the 3-bed/4-bed pair are considerably deeper than the pair of 3-bedroomed semis, it is not considered that this would result in any adverse impact in the proposed rear garden environment.

5.4.7 In conclusion, Staff consider that the proposal would be acceptable as the it would be of a satisfactory scale and design respecting the local character of area.

5.5 *Impact on Residential Amenity*

- 5.5.1 It is recognised that the proposed development would bring additional activity to the small cul-de-sac of Craven Gardens, including vehicular traffic. Nonetheless it is considered that as the properties would be located on the opposite side of Craven Gardens/Lodge Lane to the north/west of existing development, that there would be no undue harm to residential amenity.
- 5.5.2 There are flank windows to the proposed dwellings. However, the first floor flank windows serve bathrooms and landings, and could be obscure glazed by condition to protect privacy. The separation distances and boundary treatment between the properties would prevent an unacceptable degree of interlooking between the ground floor flank windows.

5.6 *Highway/Parking/Servicing*

- 5.6.1 Policy DC2 indicates that parking would be needed within the range of 1.5-2 parking spaces per property due to the low public transport accessibility level. The proposal provides 2 parking spaces for each property which is acceptable.
- 5.6.2 There are no highways issues raised by the proposal, providing suitable visibility splays are provided for each vehicular access. This can be provided by a suitable condition attached to any grant of planning permission.
- 5.6.3 Suitable refuse storage would be capable of being provided within the curtilages of each of the proposed dwellinghouses and a suitable condition will be attached to any grant of planning permission requiring details of refuse and recycling storage.
- 5.6.4 In line with Annex 6, cycle parking provision would need to be provided on site. Suitable provision can be made for cycle storage and further details can be submitted through a condition if planning permission is granted.

5.7 *Planning Obligations*

- 5.7.1 It is considered that the proposal would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £24,000.

5.8 *Mayoral CIL*

- 5.8.1 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 370m² and equates to a Mayoral CIL payment of £7,400.

5.9 *Other Issues*

- 5.9.1 The Secured by Design Officer indicates that crime prevention measures have been considered in the design of the proposed development in recognition and asks if conditions and an informative can be attached, as previously.

6. **Conclusions**

- 6.1 The proposal is for 4 houses within the existing urban area. As a matter of judgement previously Members considered the small loss of public open space to be acceptable.
- 6.2 The scheme itself is therefore considered to be acceptable in principle. In addition, Staff consider that it would have would have an acceptable impact in the street scene, there would be no undue impact on residential amenity and highways and parking details would also being acceptable such that the proposal would be acceptable subject to the signing of a legal agreement to cover infrastructure costs arising from the development.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

- 8.1 A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. **Human Resource Implications:**

- 9.1 None

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

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

BACKGROUND PAPERS

1. The planning application as received on 16 November 2012 and revised on 15 January 2013.



REGULATORY SERVICES COMMITTEE

REPORT

31 January 2013

| | |
|---|--|
| Subject Heading: | Authority to enter into a Section 25 Agreement under the Highways Act 1980 to create a bridleway Harold Court Road as part of the Sustrans Connect2 Project |
| Report Author and contact details: | Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk |
| Policy context: | Local Development Framework |
| Financial summary: | None |

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

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

SUMMARY

This report relates to the Sustrans Connect2 project which aims to transform local travel in communities through new sustainable transport routes. The objective is to increase participation in using sustainable modes of transport, including walking and cycling in everyday journeys.

The London Borough of Havering was successful in its bid to the Big Lottery Fund's "Living Landmarks: The Peoples Millions" and as part of that funding this Council was awarded £880,000 from Sustrans Connect2 for the Ingrebourne Way Sustrans Connect2 Project. The funding needs to be committed by 31st March 2013.

Part of the route shown on the plan annexed to this report between points "A" and "B" is owned by Network Rail and that part between points "B" and "C" is owned by Essex County Council. Both owners are willing to dedicate the land as a bridleway which would allow cycle use.

RECOMMENDATIONS

That the Council enter into an agreement under Section 25 of the Highways Act with the owners of the land between points "A" and "B" and points "B" and "C" on the plan annexed to this report to secure a bridleway between points "A" and "C" with access for cyclists.

REPORT DETAILS

- 3.1 The Council has secured funding from Sustrans, a British Charity whose objective is to promote sustainable transport. The funding of £880,000 needs to be committed before March 31st 2013. As part of the Sustrans flagship project, the National Cycle Network, the Sustrans Connect2 Project aims to create signed cycle routes within this Borough.
- 3.2 The Sustrans Connect2 routes largely use existing paths in parks and over existing rights of way and adopted highway. The route which runs along Harold Court Road between points "A" and "C" is currently used by cyclists but on a permissive basis. The path which is not adopted highway or a public right of way between points "A" and "C" is well surfaced in particular between points "C" to "B".

- 3.3 Lengthy negotiations have taken place between officers and the owners of the way, Network Rail and Essex County Council and an agreement has been drafted under section 25 of the Highways Act 1980 to facilitate the dedication of the way as a bridleway which would allow use by cyclists and secure part of the cycle routes network which Sustrans are funding.
- 3.3 This part of the network is critical to promoting cycling and walking within the Borough and forms a link in the chain of routes which together comprise the Sustrans Connect2 Project. As this part of Harold Wood Court is not a public right of way or public highway an agreement with the owners to dedicate it as highway (bridleway) is necessary to secure this part of the route.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the drafting of the Section 25 Agreement are modest as all of the work is undertaken in-house. Any further costs associated with the agreement will be recouped through the Sustrans Connect 2 funding.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Section 25 agreement and negotiate with the owners.

4.3 **Human Resources Implications and Risks:**

There are no such implications directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

Routes for cycling and walking should have a positive effect in increasing exercise and improving health in general. Signage for routes will be considered carefully to endeavour to ensure maximum use of the routes.

CONCLUSION

This part of the Sustrans Connect2 route at Harold Court Road currently has no authorised public access. The route is safe and well surfaced and provides a safe route for cyclists and walkers. The dedication of the route as a bridleway through a Section 25 Agreement

with the owners of the route will secure the route for amongst others cyclists and walkers.

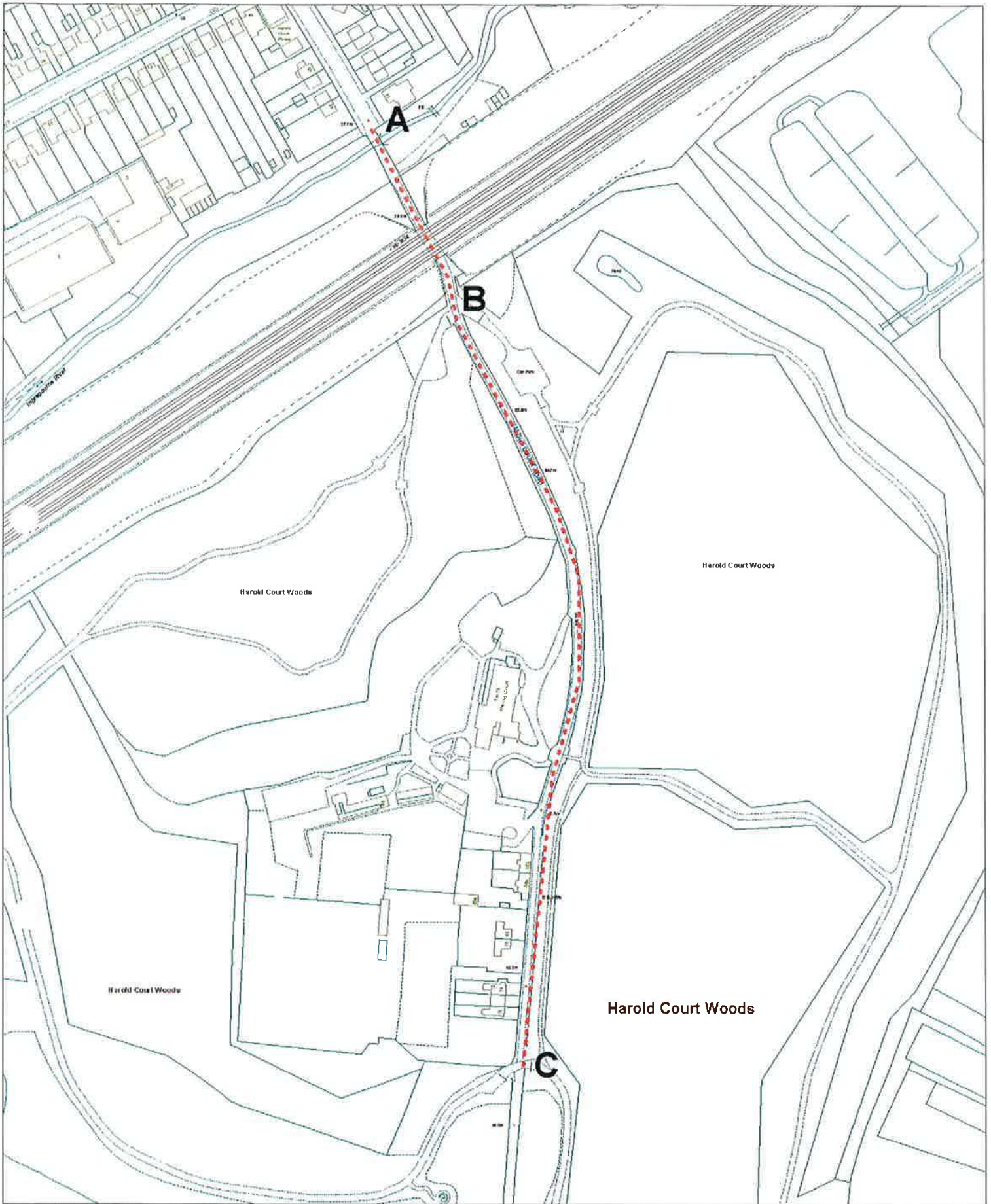
Staff Contact: Patrick Keyes
Designation: Head of Development and Building Control

Telephone No: 01708 432720
E-mail address: patrick.keyes@havering.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

1. Executive Decision 12/89 dated 9th August 2012.

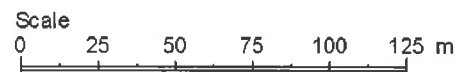


Harold Court Road

Map Reference: TQ5591SE



Scale @ A4 1:2500
Date: 15/05/2012



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