



## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
4 April 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:**

**Richard Cursons (01708 432430)**

**E-mail: [richard.cursons@havering.gov.uk](mailto: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 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 72)**

Reports attached

**5 P1477.12 - ESSEX HOUSE, 1 HAROLD COURT ROAD, ROMFORD**

Conversion of a mixed use building B1(commercial) and residential into A1 use (plumbing supplies) and 4 no. self-contained flats with associated external alterations.  
– Report to follow if available

**6 P1498.12 - WOOLPACK INN & CAR PARK, ANGEL WAY. VARIATION OF CONDITIONS** (Pages 73 - 94)

Report attached

**7 P1901.11 - BEAM REACH 8**

Extension of Time Limit of application. U0011.06 Variation of conditions precedent in outline planning permission. P2078.03 to enable the discharge of conditions separately on a phased basis in relation to each reserved matter approval. Conditions 5, 7-12, 15-18, 22-24, 26, 28, 31-35 & 40 – Report to follow if available

**8 THE ALBANY SCHOOL, BROADSTONE ROAD, HORNCHURCH**

Removal of condition 8 of P1327.11, re lighting – Report to follow if available

**9 URGENT BUSINESS**

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

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

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# Agenda Item 4

## Regulatory Services Committee

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<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-12	P1726.11	Cranham	Beredens Farm, Folkes Lane, Upminster
13-19	P0761.12	Cranham	17 Hall Lane, Upminster
20-22	P0949.12	South Hornchurch	4 Elmer Gardens
23-31	P1196.12	Emerson Park	8 Fairlawns Close, Emerson Park, Hornchurch
32-35	P1241.12	Havering Park	2 Festival Cottages, North Road, Havering-Atte-Bower, Romford
36-43	P1415.12	Emerson Park	77-79 Butts Green Road, Hornchurch
44-48	P1497.12	Harold Wood	Melville Court, Spilsbury Road
49-59	P0025.12	Rainham and Wennington	former landfill site, south east of Easter Park, Coldharbour Lane, Rainham
60-65	P0082.13	Elm Park	9 Stephen Avenue, Rainham

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<b>APPLICATION NO:</b>	<b>P1726.11</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 15th November 2011 <b>Expiry Date:</b> 10th January 2012
<b>ADDRESS:</b>	Beredens Farm Folkes Lane Upminster	
<b>PROPOSAL:</b>	Extension of farm shop	
<b>DRAWING NO(S):</b>	Location plan 1:2500 PL-5119_01 PL-5119_02 PL-5119_03 PL-5119_04 PL-5119_05 PL-5119_06 PL-5119_10 PL-5119_11	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The subject site comprises the Romford Halal Meat Company on Folkes Lane, Upminster. The site comprises a slaughterhouse and in total its area exceeds 20 hectares and access is gained from Folkes Lane. The buildings comprise the main abattoir, lairage (2 buildings), storage barn, shop and offices together with other ancillary buildings, all of which are of single-storey construction. The A127 is located to the south of the site. Most of the site is open grazing land where stock is held for short periods and the main building complex is located at the southern part of the site, which is at a lower level. The site is within the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

The application seeks consent for an extension to the existing ancillary retail sales area identified as a final preparation and despatch area. The proposed extension would be located to the western flank of the building and would be 6.1 metres wide, 16.5 metres deep (including the front walkway) and with a pitched roof with a height of 7.9 metres. The west and northern elevations of the extension and its roof would be constructed of green cladding to match the existing building. An access ramp would be provided to the western flank of the building.

The internal layout is such that meat in the hanging rails will be available for selection and purchase with proper supervision being made for circulation and collection within designated areas. The number of full time staff will be increased from 28 to 34.

### **RELEVANT HISTORY**

- P0285.09 - Single storey extension to provide plant/workshop and laundry facilities.  
Apprv with cons 29-05-2009
- P1787.08 - Single storey building to provide plant and boiler room (to facilitate improved mess room facilities)

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Refuse 12-12-2008

P1571.07 - Extension to existing ancillary retail sales area  
Apprv with cons 02-11-2007

P1655.06 - Extension to form cutting & inspection area  
Withdrawn 09-10-2006

P2084.05 - Extension to form cutting and inspection area  
Refuse 12-01-2006

P1599.05 - Change of use of barn to rendering plant and internal access road.  
Withdrawn 28-09-2005

P1160.03 - Extension to chiller room (revision to approval reference P0627.02)  
Apprv with cons 30-07-2003

P0627.02 - Extension to form chiller room  
Apprv with cons 14-05-2003

### **CONSULTATIONS/REPRESENTATIONS**

The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Four neighbouring occupiers were notified of the planning application. No letters of representation were received.

Environmental Health - No objection to this application from a food safety perspective. Recommend a condition in respect of contamination if minded to grant planning permission.

Crime Prevention Design Advisor - No material objections concerning any crime or community safety issues that may be raised by this application.

The Highway Authority has no comment or objection to the application.

### **RELEVANT POLICIES**

Policies CP14 (Green Belt), CP17 (Design), DC33 (Car Parking), DC45 (Green Belt) and DC61 (Urban Design) and of the LDF Core Strategy and Development Plan Document are considered material.

Policies 4.1 (Developing London's economy), 6.13 (parking), 7.4 (local character) and 7.16 (green belt) of the London Plan 2011 are relevant.

Chapters 1 (Building a strong, competitive economy), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

### **LDF**

- CP14 - Green Belt
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design



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### **MAYORAL CIL IMPLICATIONS**

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL), as the gross internal floor area of the proposed extension is 85.7 square metres.

### **STAFF COMMENTS**

According to the Design and Access Statement, the abattoir was established at this site some 30 years ago following relocation from other premises in Romford town centre. That site was subject of a compulsory purchase action by the Council, who offered by way of compensation and relocation the current site. The operation of the abattoir from this site has continued to date - relevant?

The main issues in this case are considered to be whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues.

### **BACKGROUND**

This application follows approval of an extension in 2007 which was for an extension with width 6.1m, same depth and ridge height as the existing building. The 2007 permission followed the refusal in 2005 (P2084.05) of an extension 12.2m wide and this application, proposing an additional extension 6.1m wide, effectively represents the same final dimensions as the 2005 refused scheme.

The 2005 scheme was refused for the following sole reason:

"The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No very special circumstances have been submitted in this case and the application is therefore contrary to Policies GRB2 and GRB16 of the Havering Unitary Development Plan"

In granting planning permission for an extension to the ancillary retail sales area in 2007 it was considered that there was a need to separate out the then current retail element of the scheme from the slaughter house. One reason was that the slaughter house authority is the Government's Meat Hygiene Service, whereas the retail element is inspected by the Council's Environmental health service. Both of these services agreed at that time that the retail element should be separated for health and safety and hygiene reasons. It was recognised at that time that the extension granted permission in 2002 (with revision to roof height in 2003) which was built to overcome the then problems associated with customer viewing/ retail purchase was not big enough.

The 2007 report recognised that "It would appear that the retail element may have been more successful than expected in 2002", "nonetheless this in itself is not a reason to allow an inappropriate extension in the Green Belt".

### **Business operation**

· The abattoir has a long established use and has operating for over thirty years. The abattoir was fully operational until the outbreak of Foot and Mouth disease in 2000-2001. Due to the restrictions that were imposed regarding the transportation of livestock and other related

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controls, the business ceased trading in 2001. The business was subsequently purchased by the applicants and most of the previous 22 employees were reemployed. The applicants complied with strict controls exercised by the Meat Hygiene Service, Environmental Health Department and other statutory agencies. A lairage was constructed following planning consent. Since the business was re-established in 2002, substantial investment has been made to satisfy hygiene and other health related requirements arising from the foot and mouth outbreak in 2000. The business sustains a consistent level of economic growth.

- The agent asserts that premises are now the only approved facility for dealing with the Halal meat trade to the east of London, following investment from the applicants. As such, the abattoir helps to prevent the spread of illegal slaughterhouses and consequent health risks.

- The business operates a close relationship with the Muslim community, who have to visit the site to inspect meat before purchase. Such visits are usually to purchase whole carcasses of meat on a semi-wholesale basis, which is then redistributed to family members and other persons in the local community.

- Some 25% of the business turnover is by way of customers visiting the site with the remaining 75% comprises of wholesale trade delivered to butchers in the area.

### **PRINCIPLE OF DEVELOPMENT**

The application site falls within the Metropolitan Green Belt. Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within the National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and their permanence. 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.

Chapter 9 (protecting green belt land) of the NPPF states that the construction of new buildings are inappropriate in the Green Belt, with the exception of the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In this instance, it is considered that the farm shop is a retail use as opposed to an agricultural use. Therefore, it is considered that the extension to the farm shop 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**

Consideration has been given to as to whether the proposed extension would result in disproportionate additions over and above the size of the original building, taking into account previous extensions. The proposed extension would increase the floor area of the existing building by approximately 100 square metres. It is considered that the proposed extension would not be disproportionately large in relation to the overall size of the building, which is 71 metres in length. In addition, the extension is single storey. The proposed extension would be located at the bottom of a raised grassed bank, which would provide some screening and help to mitigate its impact. In addition, the proposed extension may not be considered as disproportionately large in relation to the size of the application site and when viewed in the context of the open land surrounding the site. The west and northern elevations of the extension and its roof would be constructed of green cladding, which would help to minimise its visual impact. Furthermore, details of a landscaping scheme will be secured by condition if planning permission is granted, which would help to mitigate the impact of the proposal.

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It is considered that the cumulative impact of the amount of built form comprising of previous extensions to the building and the proposed extension would have a detrimental impact on the open character and appearance of the Green Belt, although the harm to the Green Belt may be outweighed by the very special circumstances.

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

It is considered that the proposal would not adversely affect the streetscene, as the extension is single storey and it would be set back approximately 60 metres from the entrance of the site in Folkes Lane. In addition, the extension would not be directly visible from Folkes Lane, as it would be located to the north of the access road. It is considered that the extension would integrate satisfactorily with the existing building, as it would be in alignment with its front and rear facades and would be of the same ridge height. Also, the west and northern elevations of the extension and its roof would be constructed of green cladding to match the existing building. A landscaping scheme would be secured by condition if minded to grant planning permission.

### **IMPACT ON AMENITY**

As the site is bounded by open fields to the north and is well separated from neighbouring properties, it is considered that it would not appear unduly overbearing or dominant or give rise to an unacceptable loss of privacy or amenity to adjacent occupiers. There would be a separation distance of approximately 22 metres between the eastern boundary of the nearest residential dwelling, Wykeham, and the western boundary of the site adjacent to the siting of the proposed extension. The proposal would utilise the existing access. It is noted that there is a timber paling fence and some trees and conifers on the eastern boundary of Wykeham, which provides some screening and dampen noise resulting from activity within the site. It is considered that any likely noise and disturbance that might be generated from the existing use of the site as an abattoir and shop would not be exceptional in such a rural location and the scale of the proposed extension is not considered such that it would be materially detrimental to residential amenity. The proposed extension would be located at the bottom of a raised grassed bank, which would provide some screening and help to mitigate its impact. It is considered that the proposal would not create any additional overlooking over and above existing conditions, particularly as it does not feature any flank windows. A landscaping scheme would be secured by condition if minded to grant planning permission. The west and northern elevations of the extension and its roof would be constructed of green cladding, which would help to minimise its visual impact.

### **HIGHWAY/PARKING**

It is considered that the extension is unlikely to give rise to significant additional amounts of traffic and the Highway Authority has no objection to the proposal. There is an existing access road to the site. There is an existing hardstanding area for approximately 50 vehicles, 3 disability spaces, 4 motorbikes and 10 cycle spaces. There is adequate space on the site to enable commercial vehicles to enter and exit the site in forward gear. It is considered that the proposal does not create any parking or highway issues.

### **OTHER ISSUES**

The Case for very special circumstances

A statement of very special circumstances has been submitted in support of the application, which is detailed as follows.

- It is vital to restrict access to the various buildings on the site to minimise the risk of cross

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contamination and separate zones are identified for staff and customers, which are strictly enforced.

- In accordance with strict controls, there are separate zones for the slaughterhouse, chiller room, cutting/inspection and retail sales area.

- The cutting/inspection area is where the retailing operation takes place in that customers are allowed in to that part of the building to inspect meat before purchase. Once selected, the carcass can either be taken away whole or cut up to the customer's requirements.

- The agent asserts that there is inadequate space in the public part of the building for inspection, cutting and retail sales to be undertaken in a satisfactory manner.

- A large proportion of the floor area of the butcher shop is taken up by the customer area leaving a minimal amount of space for preparation. One small area of the shop contains all the machinery including a band saw, sausage filling machine, mincer, vac pac machine along with the main preparation area. There is limited access to the sink due to a butcher cutting on the main preparation block and the carrying of meat from the main chiller. The amount of staff working in this one area is a health and safety issue.

- A letter has been submitted from veterinarian at Romford Halal Meats working on behalf of the Food Standards Agency, stating that the layout and flow of operations between the approved plant and the butcher shop is less than ideal and could compromise hygiene, as members of staff from the butcher shop have to use the staff facilities of the slaughterhouse for lack of adequate changing facilities in the butcher shop due to the restriction of current available space.

- During festival times, the number of customers can treble. There are 6 staff at non-peak times increasing to 10 staff at peak times in the shop. Work space is limited when orders are being prepared and bagged meat goes onto wheeled racks further reducing the floor space. The carrying of carcass meat to cutting blocks in limited space is a health and safety issue. The non-peak times are Mondays, Tuesdays, Wednesdays and Thursdays. Friday, Saturday and Sunday mornings are peak times.

- Customers have to queue on the stairs at times as there is inadequate room inside the shop, which can cause problems. There is a loading bay nearby, with lorry movement albeit under supervision.

- An increase in the shop preparation area would alleviate the above problems, allowing a dedicated band saw and machinery area, therefore reducing the risk of an accident and increasing the customer area. A letter has been submitted by a Health and Safety Advisor for Romford Halal Meats working for MB Health and Safety highlighting that at peak times the shop can be very congested.

- Customers are not allowed free access to the whole of the site, as they are restricted to the sales and inspection area as well as the final preparation and dispatch area.

- Chilling facilities in the shop are limited and it is not possible to store any stock that arrives in cardboard boxes or on wooden pallets in the abattoir chillers, due to regulations enforced by the Food Standards Agency. Having increased chiller space would remove this problem and would increase its efficiency at reducing and holding the required temperatures.

- According to the Design and Access Statement, the proposed extension is essential to



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overcome current operational problems and does not relate to any form of business expansion.

- The proposed extension is an integral part of the business plan and is essential to maintain the viability of the operation, continuity of employment at the site and service to the meat trade in the area.

- The Design and Access Statement states the proposed extension is the same footprint and volume as an extension approved under planning application P1571.07. Reference is made to Informative 3 of P1571.07 that is the reason for approval. "The proposal is considered to provide very special circumstances necessary to justify inappropriate development in the Green Belt. The proposal would also be of low physical impact and would not materially detract from its open nature.

Staff comment: it is Staff's view that the application has to be assessed on its own individual planning merits with regard to current circumstances.

- A slaughter house provides very special circumstances for a Green Belt location.

Staff comment: It is considered that the farm shop is a retail use as opposed to an agricultural use. Therefore, it is considered that the extension to the farm shop comprises inappropriate development.

- Although the site as a whole covers a large area of land, the buildings are located at a lower level where the land falls way steeply from north to south. As such, the buildings are well screened from the neighbours.

- The use is long established on the site and must now be accepted as an appropriate use in this location being directly related to an agricultural use (e.g. the breeding of livestock). The buildings on the site are of an agricultural nature. The works are an essential part of the operation of the slaughterhouse on this site. The site and its use are unique and require a rural location such as this, since such activity is normally considered inappropriate in a built up area.

Staff comment: The proposal comprises of an extension to the farm shop and does not relate to the use or acceptability of the abattoir. It is considered that the farm shop is a retail use as opposed to an agricultural use.

- The design of the extension accords with the existing buildings on the site.

- No harm arises to any of the neighbours from this proposal.

- There is not a good business reason to separate the retail activity from the site. The applicant would be required to take on board other retail outlets within the urban area. The financial implication of such a requirement would completely undermine the prosperity of the site as it exists.

- The recession is impacting on the applicant's business and additional space is required to operate efficiently and safely, remain competitive and comply with all the necessary regulations.

Staff must consider the relevant planning guidance and policy. Paragraph 88 of the NPPF states: -'Very special circumstances' will not exist unless the potential harm to the Green Belt by



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reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that there are sufficient very special circumstances in this case, namely the economic growth generated by the business, its long established use and the existing cramped facilities which would be enhanced, which collectively outweigh the in principle harm. Nevertheless, it is open to Members to form their own view of the proposal and apply different weight to the very special circumstances identified.

### **KEY ISSUES/CONCLUSIONS**

It is Staff's view that the farm shop is a retail use as opposed to an agricultural use and therefore, the extension to the farm shop comprises inappropriate development. It is considered that the cumulative impact of the amount of built form comprising of previous extensions to the building and the proposed extension would have a detrimental impact on the open character and appearance of the Green Belt, however, staff consider that the circumstances identified do amount to the very special circumstances required to overcome the harm to the Green Belt. Staff consider that this would therefore accord with Policy DC46 of the Local Development Framework Development Plan Document and Chapter 9 of the National Planning Policy Framework.

The current proposal has required significant judgement in relation to the planning issues arising. Members may place different weight on these issues and may conclude that the proposal for an enlarged retail element is unacceptable as it would conflict with Green Belt policy in principle and would be harmful to the open and spacious character of the Green Belt. The proposal is considered to be acceptable in terms of its impact on the streetscene and would not result in any material harm to neighbouring amenity. There are no highway or parking issues. On balance, it is considered that there are sufficient very special circumstances in this case, namely the economic growth generated by the business, its long established use and the existing cramped facilities which would be enhanced, which collectively outweigh the harm to the Green Belt. Overall, Staff are of the view 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).

#### **2. S SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building including a steel frame with profiled dark green cladding to the walls and roof (s) to the satisfaction of the Local Planning Authority.

Reason:-



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**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. SC11 (Landscaping) (Pre Commencement Condition)**

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

**5. M SC20 (Ancillary use) ENTER DETAILS**

The extension hereby permitted shall be used only for activities ancillary to the main use of the site for the purposes of a slaughter house.

Reason:-

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

**6. M SC27 (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 to 18:00 Mondays to Fridays, 07:30 to 14:00 on Saturdays and Sundays and not at all on Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

The public shall not have access to the car park area before the earliest opening time but shall be allowed up to 15 minutes to vacate the car park after the end of opening hours.

Reason:-

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### **7. S SC42 (Noise Insulation - Machinery)**

Before any works commence a scheme for any new plant and machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels (expressed as the equivalent continuous sound level LAeq(1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

### **8. S SC37 (Noise insulation)**

Before the use commences, the extension shall be insulated in accordance with a scheme approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building equivalent to L90-10dBA.

Reason:-

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

### **9. 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.

### **10. M SC51 Noise & vibration of ventilation systems of A3 uses**

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

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Core Strategy and Development Control Development Plan

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### **11. SC62 (Hours of construction)**

No construction works or 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 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.

### **12. S SC25 (Open storage)**

No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason:-

In the interests of visual amenity, and that the development accords with Core Strategy and Development Control Submission Development Plan Document Policy DC61.

### **13. SC65 (Contaminated land condition No. 2) (Pre Commencement)**

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

a) A Phase 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 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.

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 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.

## **REGULATORY SERVICES COMMITTEE**

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### **14. Non standard condition**

The doors to the extension hereby permitted shall be kept closed at all times other than for the ingress and egress of staff and customers.

Reason:

To minimise the impact of the development on the surrounding area in the interests of amenity and to comply with Policy DC61 and DC55 of the Core Strategy and Development Control Policies Development Plan Document.

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## **INFORMATIVES**

### **1 Reason for Approval**

1. The proposal is considered to provide very special circumstances necessary to justify inappropriate development in the Green Belt in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document and Chapter 9 of National Planning Policy Framework.

2. The public car park should be designed and laid out to minimise the pedestrian and vehicular interface, with painted pedestrian walkways and signage to identify them. Where possible a one way system should be implemented. A plan in accordance with HSE guidance HSG136 should be implemented prior to the first use of the approved development.

3. A HACCP should be implemented to comply with article 5 of Regulation (E) 852/2004 of the European Parliament and of the Council. The structure, equipment and facilities within the premises should comply with the relevant schedules of the above legislation. An amended application should be made for registration under article 6(2) of the regulations 28 days before the first use of the extension for retail sales of food.

4. This application is the fourth application to expand the retail element to overcome concerns raised by the Meat Hygiene Service. The applicant is advised that it should not be presumed that any further extensions would be acceptable in planning terms in the Metropolitan Green Belt.

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.

## REGULATORY SERVICES COMMITTEE

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<b>APPLICATION NO:</b>	<b>P0761.12</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 18th June 2012 <b>Expiry Date:</b> 13th August 2012
<b>ADDRESS:</b>	17 Hall Lane Upminster	
<b>PROPOSAL:</b>	Two storey front, side and rear extensions with loft conversion including rear dormer windows Revised Plans Received 18.09.2012	
<b>DRAWING NO(S):</b>	1056/01 1056/02 1056/03 1056/04 Revision A 1056/05 Revision A 1056/06 Revision A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called in by Councillor Barrett on the ground that the extensions would be out of character and overbearing in the street and would impact on light.

### **SITE DESCRIPTION**

The application site is located on the west side of Hall Lane, to the north of its junction with Waldegrave Gardens, within the Hall Lane Policy Area. The subject property is a two storey, detached dwelling, predominantly rendered with a hipped tiled roof. Ground levels rise gently from the south to the north of the site.

To the south of the application site lies Hurstwood Court, which is a residential flatted development. North of the site is a detached, two storey dwellinghouse. The character of the surrounding area is predominantly residential.

### **DESCRIPTION OF PROPOSAL**

The application is for extensions to the dwellinghouse, comprising a first floor side/rear extension over the existing side garage; alterations to the front of the dwelling to form two storey, gabled front bays; a part single/part two storey rear extension and alterations to the roof to convert the loft into habitable space, including 2 rear dormer windows.

The proposals have been revised since originally submitted to reduce the width and depth of the first floor side extension, resulting in a 1m set in from the south boundary of the site, and the reduction in the number of rear dormers from 3 to 2.

The first floor side extension measures 3.6m wide, 11.8 deep, 6.3m to eaves and 10.4m to the ridge of the dwelling. It is set in approximately 0.7m from the flank wall of the ground floor garage and 1m from the party boundary with Hurstwood Court.

## **REGULATORY SERVICES COMMITTEE**

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The front bays measure 4m wide, 1.3m deep and 8.2m high to the top of the gabled roofs.

The part single/part two storey rear extension extends across the full width of the dwelling, including behind the side addition to the dwelling. At ground floor the extension is 4m deep on the northern boundary cutting back to 3.5m deep to the southern boundary; at first floor the depth is 3m on the northern boundary cutting back to 2.4m on the southern boundary. First floor eaves height is 6.3m rising to 10.4m high to ridge.

The proposed two rear dormer windows each measure 1.9m wide cheek to cheek, 1.65m deep and 2.8m high to the ridge of a hipped roof.

### **RELEVANT HISTORY**

P0213.09 - Single/two storey front and side extensions including front balcony. (amendment to P1856.07)

Apprv with cons      20-04-2009

P1856.07 - Single/ two storey front/ side extensions

Apprv with cons      16-11-2007

P1105.07 - Two storey front and single storey front and 2 storey side extension

Refuse                      01-08-2007

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 25 local addresses. 16 letters of representation were received in respect of the original submitted proposals objecting on the following grounds:

- excessive scale, bulk and out of character
- cramped
- exceeds building lines
- overlooks neighbouring property
- blocks light
- unlikely to be put to single family use
- harmful to visual amenity
- bulk of development, especially roofline, should be reduced
- size overpowers neighbouring properties
- noise
- boundary wall not correctly shown
- change in ground levels
- reduction of property value
- adverse impact during construction period

Following the receipt of revised plans, further neighbour notification was undertaken and one letter of representation was received, objecting to the proposal on the grounds of loss of light, impact on building line, noise and disturbance during construction.

### **RELEVANT POLICIES**

#### **LDF**

CP17 - Design

DC61 - Urban Design

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### LDF

- DC69 - Other Areas of Special Townscape or Landscape Character
- SPD4 - Residential Extensions & Alterations SPD
- SPD6 - Hall Lane Policy Area SPD

### OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The proposal will create an additional floorspace of 139 square metres so will be liable for Mayoral CIL. The amount of the liability is £2,780 (based on 139 @ £20 per square metre).

### **STAFF COMMENTS**

The issues arising from this application are the scale, bulk and design of the extension and their resultant impact on the streetscene, rear garden environment and the character of the Hall Lane Policy Area; the impact on neighbouring residential amenity and parking and highway issues.

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

The application site lies within Zone A of the Hall Lane Policy Area. The Hall Lane SPD describes this part of Upminster as being occupied mostly by established large detached and semi-detached dwellings, generally well maintained and set in large gardens, having the amenity of considerable tree and shrub planting.

The SPD states that where planning permission is needed for the improvement or extension of existing houses, if the new work is complementary to the existing dwelling and a useful building is to be given a further lease of life, the application will be considered sympathetically.

In terms of the impact of the development on the Hall Lane streetscene, the frontage of the property will change through the addition of a first floor side extension and the creation of a pair of gable fronted bays, either side of the front porch, which will have new doors and fenestration.

The scale and design of the front bays are considered to be in keeping with the character and the proportions of the existing dwelling, such that no material harm to the character of the property or streetscene is considered to result.

The proposed first floor side extension has been revised so that it is set 0.7m from the ground floor flank wall and 1m from the boundary. As a result, the scale and proportions of the side extension are now considered to be in proportion with the original, detached dwelling. The dwelling will therefore remain at least 1m from both side boundaries of the site at first floor level. The proposal is therefore considered to maintain the character of the property and the Hall Lane streetscene.

To the rear of the property, the depth of the extensions at 4m maximum to the ground floor and 3m maximum at first floor are considered to respect the scale of the existing dwelling and not to unduly impinge on the characteristic, spacious rear garden environment of this and surrounding dwellings. The application site benefits from a rear garden over 65m in length.

The two proposed rear dormers are considered to sit comfortably within the rear roof and would not be visually intrusive or overly dominant.

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Staff therefore consider the proposal to respect the character of both the street and garden scene and thereby to comply with Policy 7.4 of the London Plan, as well as Policy DC61 of the LDF and the objectives of the Hall Lane Policy Area SPD.

### **IMPACT ON AMENITY**

The only properties that would be directly affected by the proposals are the flats within Hurstwood Court to the south and no.19 Hall Lane to the north. Other properties in the locality are sufficiently far away not to be materially affected.

With regard to no.19 Hall Lane, this has a single storey side/rear extension that extends further into the rear garden than the rear extension proposed to the subject property. The proposed ground floor element of the rear extension is within policy guidelines being 4m deep and hipped away from the party boundary. It is therefore judged this would not materially affect the amenity of no.19 Hall Lane.

The first floor element of the extension is 3m deep to the northern side, which is policy compliant. It is set approximately 1m from the party boundary. Consideration has been given to the detached nature of the subject dwelling and the resultant separation from the upper floor windows of the neighbouring property (over 5m); the mitigating impact of the neighbours ground floor rear projection; the favourable orientation of the extension to the south of no.19 Hall Lane and the lower ground level on which the subject property is situated. Having regard to these factors it is considered that the first floor rear extension would not materially harm the amenity of the occupiers of no.19 Hall Lane.

The proposed rear dormer windows will introduce accommodation at second floor but the degree of overlooking is not materially greater than that which already occurs from existing first floor windows. Proposed flank windows can be obscure glazed to prevent loss of privacy.

In terms of the relationship with the flats in Hurstwood Court, no objection is raised to the side extension where it lies parallel to the flank wall of Hurstwood Court, as Hurstwood Court has no side windows which would be affected.

The ground floor element of the rear projection is within policy guidelines at 4m deep. It also has a hipped roof and a relatively low eaves height of 2.64m. It is acknowledged that the extension lies north of Hurstwood Court and is also on higher ground level by 1m. However, given that it is policy compliant and is lower on the boundary than policy allows for (the Residential Design SPD allows extensions up to 3m high with a flat roof) it is considered the height and hipped roof design compensates for this to the extent that the extension is not materially harmful to neighbouring amenity.

The first floor rear projection is 3m on the northern side but reduces to 2.4m deep on its southern side. It is set in by 1m from the party boundary with Hurstwood Court, with Hurstwood Court in turn set a further 3m approximately from the party boundary. This gives a separation distance, flank to flank, of some 4m. Whilst acknowledging the orientation of the subject property north of Hurstwood Court and the change in ground levels, the combination of the depth of the extension and the separation from the adjacent flats, means that the proposal would comfortably provide an equivalent degree of amenity to that which could be achieved applying the tests set out in the Residential Extensions SPD (based on a 3m deep extension and 2m separation from an attached property). Staff therefore consider, on balance, that the extension



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refusal of planning permission.

### **HIGHWAY/PARKING**

The proposal would enlarge the living accommodation but not increase the number of bedrooms.

Existing off street parking arrangements would not be affected by the proposals and the existing ground floor side garage would be retained. No material parking or highway implications are therefore considered to arise.

### **OTHER ISSUES**

Other issues raised in consultation responses but not considered to be material planning considerations in this case are the anticipated use of the property, noise, boundary wall position, devaluation of property and noise during construction. In respect of use, the property is still shown to be a single family dwelling. With regard to noise during construction, this is not grounds for refusal although a planning condition is suggested with regard to hours of construction having regard to the scale of the proposed works.

### **KEY ISSUES/CONCLUSIONS**

The proposed extensions to the dwelling are acceptable in principle. It is considered that the scale and design of the extension are compatible with the character of the dwelling and the Hall Lane Policy Area. The extensions are not considered to result in material harm to neighbouring residential amenity to justify refusal and no adverse highway impacts will result. The proposal is therefore considered to comply with all material planning policies and it is recommended that planning permission is granted.

### **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. 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

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### **3. SC10 (Matching materials)**

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

Reason:-

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

### **4. 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.

### **5. SC34B (Obscure with fanlight openings only) ENTER DETAILS**

The proposed ground and first floor windows to the north and south facing flank elevations of the extensions hereby approved 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.

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## **INFORMATIVES**

### **1 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy 7.4 of the London Plan, Policies CP8, DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document and the provisions of the Hall Lane Policy Area SPD and the Residential Extensions and Alterations SPD.

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

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**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 acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

**3 Approval and CIL (enter amount)**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £2,780. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

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<b>APPLICATION NO:</b>	<b>P0949.12</b>	
<b>WARD :</b>	South Hornchurch	<b>Date Received:</b> 11th January 2013 <b>Expiry Date:</b> 8th March 2013
<b>ADDRESS:</b>	4 Elmer Gardens Rainham	
<b>PROPOSAL:</b>	Variation of condition 2 of appeal decision APP/B5480/A/04/1163663 to open premises on Saturdays between 7am and 2pm	
<b>DRAWING NO(S):</b>		
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

No 4.Elmer Gardens is one of four shop units with residential accommodation above located in a small parade situated at the point where Elmer Gardens joins South End Road, identified as a Minor Local Centre in the LDF. The parade is orientated so that it faces a small green. No.4 currently operates as a cafe with opening hours of 7.30am to 3.00pm Monday to Friday. Other units in the parade operate as an Off Licence, Newsagent and Grocers/Off Licence.

### **DESCRIPTION OF PROPOSAL**

The proposal is a request that the cafe be allowed to open on Saturdays from 7.00am to 2.00pm.

### **RELEVANT HISTORY**

P1013.04 - Change of use to A3 (sale of hot food and drink), also supplying fresh bread and rolls on a daily basis - Refused, appeal allowed

### **CONSULTATIONS/REPRESENTATIONS**

90 properties were notified of the proposal. 2 letters of representation have been received. Objections relate to noise at 7am on a Saturday, parking problems, loitering and anti social behaviour.

### **RELEVANT POLICIES**

#### LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking

### **MAYORAL CIL IMPLICATIONS**

None arising

### **STAFF COMMENTS**

The application has been called in to Committee by Cllr Breeding citing concern over parking issues in the area and harm to the adjacent green plus additional noise on a Saturday at 7am.

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By way of background the restricted hours of opening for the property were those which had been requested by the applicants when seeking the planning permission which was granted on appeal.

The principle of the use is established and the judgement is therefore whether the addition of Saturday opening hours would have any material impact. Saturday is a normal trading day for shops and cafes and it would therefore be unreasonable to withhold planning permission unless there were the most exceptional reasons for doing so.

### **IMPACT ON AMENITY**

The location is close to South End Road which is a busy through route. Other uses in this parade operate with unrestricted opening hours and it is not considered that the opening of this cafe on a Saturday would cause any unreasonable increase in noise and disturbance. It is however considered that the hours of opening should reflect those which apply Monday to Friday i.e. from 7.30am to 3.00pm.

### **HIGHWAY/PARKING**

There is no allocated parking in the area and parking is unrestricted to the front of the properties and in Elmer Gardens except for a double yellow line on the corner. There is some damage to the grass opposite the parade as a result of parking but it is not possible to attribute this to any particular individual unit in the parade. Furthermore there is no reason to suppose that this or any other parking issues in the area would be materially increased as a result of the premises opening on a Saturday.

### **KEY ISSUES/CONCLUSIONS**

It is recommended that planning permission be granted but that the same hours of opening be applied to Saturdays as for the rest of the week.

### **RECOMMENDATION**

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

#### **1. SC27A (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 0730 and 1500 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

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

Internal customer seating shall not exceed eight seats and no external seating shall be provided.

Reason:~

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### **3. Non Standard Condition 32**

All installed fume extraction, ventilation and odour control equipment shall be operated at all times when cooking is taking place and maintained in accordance with the manufacturers instructions.

Reason:-

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

### **4. SC45B (Restriction of use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the use hereby permitted shall be used for a cafe and sandwich shop only, including the sale of fresh bread and rolls and shall exclude all other uses whatsoever including any other use in Class A3 of the Order, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason:-

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

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## **INFORMATIVES**

### **1 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16 and DC33 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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<b>APPLICATION NO:</b>	<b>P1196.12</b>	
<b>WARD :</b>	Emerson Park	<b>Date Received:</b> 28th September 2012 <b>Expiry Date:</b> 23rd November 2012
<b>ADDRESS:</b>	8 Fairlawns Close Emerson Park Hornchurch	
<b>PROPOSAL:</b>	Construction of a new 3 storey 5 bedroom dwelling	
	Revised Plan received 22.03.13	
<b>DRAWING NO(S):</b>	2923_PL01 2923_PL02 2923_PL03 2923_PL04 2923_PL05 2923_PL06 2923_PL07 2923_PL08 2923_PL09 2923_PL10 2923_PL11A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site comprises an existing dwelling and its curtilage and is located within Sector 6 of the Emerson Park Policy Area SPD. The existing dwelling is a single storey building with a high pitched roof, and accommodation contained within the roof space, supported by dormer roof extensions. The site is in excess of 500sqm in area and includes a garage and outdoor swimming pool to the rear.

The southern, western, and northern boundaries adjoin neighbouring residential properties, whilst the eastern boundary lies adjacent to the public highway. The site is located within Fairlawns Close, which comprises a variety of detached dwellings with varying plot sizes and separation distances between dwellings.

### **DESCRIPTION OF PROPOSAL**

This planning application proposes the demolition of the existing dwelling and the erection of a larger unit, including five bedrooms. The garage, which is located at the southern end of the existing dwelling would be retained and incorporated into the proposal to provide internal living accommodation. A new, integral garage would be included as part of the proposed unit.

The proposal would have a ridge height of approximately 8.5m, and a frontage width of around 9m, whilst the rear elevation of the main building would be approximately 10.5m in width. The proposal would include three vehicle parking spaces, along with that contained within the garage. Approximately 235sqm of the amenity space would be provided to the rear along with

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additional space to the front.

### **RELEVANT HISTORY**

A previous planning decision, relating to 6 and 8 Fairlawns Close, is of relevance to the proposal:

P0886.09 - Demolition of existing 2 no detached dwellings and construction of 3No. 4 bedroom detached dwellings - Refused (17.08.2009) for the following reason:

"1. The proposed dwellings would, by reason of their siting close to the flank boundaries and limited plot widths, result in a cramped form of development, out of character in this Sector of the Emerson Park Policy Area and adversely impacting on visual amenity in the street scene, contrary to Policies DC61 and DC69 of the Development Control Policies Development Plan Document and Supplementary Planning Document for the Emerson Park Policy Area."

An appeal (APP/B5480/A/09/2112056) against this refusal was subsequently dismissed in January 2010. It was acknowledged that Fairlawns Close has its own character, which differs from other parts of Emerson Park, however, it was concluded that the proposal would not be in character with Fairlawns Close in terms of the site layouts.

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 8 neighbouring occupiers. No representations have been received.

Representations have been received from the following:

Crime Prevention Design Advisor - No objections; condition recommended.

### **RELEVANT POLICIES**

National Planning Policy Framework ("the NPPF")

Regional Planning Policy

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

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, DC69, 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"), Emerson Park Policy Area SPD ("the Emerson Park SPD") Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also



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material considerations in this case.

### **MAYORAL CIL IMPLICATIONS**

The proposal is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable charge would be £4,084. This is based on the creation of 367.4sqm of new gross internal floor space, less the 163.2sqm of existing floor space contained in the existing structure, which has been in use for at least six out of the last twelve months.

### **STAFF COMMENTS**

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.

### **PRINCIPLE OF DEVELOPMENT**

The proposal would result in the erection of a replacement dwelling on land that is already in residential use. The proposal is considered to be acceptable in principle.

### **DENSITY/SITE LAYOUT**

The site is located within Sector 6 of the Emerson Park Policy Area SPD, which states that proposed dwellings should be detached, single family properties with minimum plot widths of 23m and comparable plot sizes to neighbouring properties. It is also stated the new buildings should be at least 1m from shared boundaries at ground floor level, and 2m at first floor level.

Policy 3.5 of the London Plan stipulates the minimum internal space standards for new dwellings; the proposal would provide internal living space well in excess of the minimum requirements. The proposal would have a site density equivalent to approximately 18 dwellings per hectare and therefore maintains the existing site density. The proposal would have approximately 235sqm of amenity space to the rear, along with space to the front, which in sum, would be comparable to the amenity space provision at neighbouring properties.

The proposal is contrary to the guidance contained in the Emerson Park SPD in that it falls significantly short of the required minimum plot frontage width and would not be located the required minimum distances from the shared boundaries. At its southern end, the proposal would be located 1.65m from the common boundary at first floor level, and at its northern end, it would be located only 0.8m from the shared boundary at the ground and first floor levels. However, the area of Emerson Park under consideration does not generally accord with the minimum requirements contained in the Emerson Park SPD. Numerous other units at Fairlawns Close do not provide the minimum required plot frontage, or minimum separation distances from the shared boundaries.

On balance, given the size of the proposed dwelling and the proposed provision of amenity and parking spaces, and given the layout and character of the existing development at Fairlawns Close, it is considered that the proposal would not represent an over development the site and would not be detrimental to the character of its immediate surroundings. In terms of its layout, the proposal is considered to be acceptable.

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

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

The proposed dwelling would be a detached, two storey building including accommodation in its

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hipped roof, including dormer extensions to the front and rear. The proposal would have a ridge height of approximately 8.5m, which would be comparable to neighbouring properties. In the area of Emerson Park under consideration, the proposal would have an average size of frontage, and would have an appearance, including a hipped-feature frontage and brick finishes, that would be broadly similar to neighbouring properties, but sufficiently different to contribute to the architectural variety required by the Emerson Park SPD.

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.

### **IMPACT ON AMENITY**

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

The proposal would include approximately 235sqm of private amenity space to the rear. It is considered that the proposal would provide sufficient amenity space for the use of future occupiers.

The nearest neighbouring dwellings to the west would be located approximately 50m away, and to the east, approximately 27m away. The adjoining dwellings, to the north and south, would be located between 1-2m from the proposal. The proposed dwelling would be located approximately 17m from the rear boundary fence shared with the properties to the west.

It is considered that the depth of the proposal would not be detrimental to the amenities of the occupiers of No.10 Fairlawns Close, immediately to the south, as the aspect of the proposal projecting beyond the rear elevation of this property would comprise an existing structure, currently in use as a garage. The depth of the proposal would have a more significant impact on the property at No.6, which is located immediately to the north. At ground floor level, the proposal would extend approximately 3.5m beyond the rear elevation of this neighbouring property, with a separation distance of approximately 2m. At first floor level this is reduced to around 1.5m. On balance, it is considered that the depth of the proposal would not result in any significant adverse impacts on the amenities of the occupiers of No.6, given the dimensions involved and that No.6 is a dwelling of significant breadth, which the proposal would only relate to a very small portion of. However, this is an element of the proposal that Members may wish to exercise judgement over.

Given the siting and scale 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 amenities of neighbouring occupiers, in terms of overlooking, loss of natural light, or loss of outlook, subject to the following conditions.

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. A condition is also recommended to ensure that the proposed flank windows are obscure glazed and permanently fixed shut.

Subject to the afore mentioned conditions, it is considered that the proposal would not result in

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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.

### **HIGHWAY/PARKING**

It is considered that the proposed parking spaces and use of an existing access onto the public highway would not give rise to any significant adverse impacts on highway safety or amenity.

Subject to a condition requiring that the proposed parking spaces be provided and retained for the life of the development, 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.

### **SECTION 106**

This planning application is for a replacement dwelling. The payment of the infrastructure tariff, under the Planning Obligations SPD, is not required in this case.

### **KEY ISSUES/CONCLUSIONS**

The proposal would not be in accordance with the minimum spacing and separation distance standards contained in the Emerson Park Policy Area SPD, however, officers consider that there are local circumstances indicating that the proposal would not be harmful to the character of the area. It will be for Members to exercise judgement in this case and come to a view as to whether there are material considerations that outweigh the proposal being contrary to the adopted planning guidance.

Subject to conditions, officers consider the proposed development 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.

### **RECOMMENDATION**

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

#### **1. Non Standard Condition 31**

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. Non Standard Condition 32**

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

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### **3. Non Standard Condition 33**

Prior to the occupation of the development hereby approved, two car parking spaces (each measuring 2.4m x 4.8m) shall be provided within the application site to the front, or east, of the dwelling hereby approved, in addition to that in the proposed car parking garage. The external car parking spaces, and that contained within the garage, shall be retained for the life of the development.

Reason:-

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

### **4. Non Standard Condition 34**

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. Non Standard Condition 35**

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. Non Standard Condition 36**

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. Non Standard Condition 37**

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.

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### **8. Non Standard Condition 38**

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. Non Standard Condition 39**

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. Non Standard Condition 40**

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

### **11. Non Standard Condition 41**

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

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### **12. Non Standard Condition 42**

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.

### **13. Non Standard Condition 43**

Prior to the occupation of the development, the proposed flank windows at first floor level, relating to the northern and southern elevations, shall be obscure glazed and fixed shut, and retained as such for the life of the development.

Reason:-

In the interests of amenity and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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## **INFORMATIVES**

### **1 Non Standard Informative 1**

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).

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### 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. Whilst the proposal is considered to be contrary to the guidance contained in the Emerson Park Policy Area SPD, it is considered that there are other material considerations that outweigh this. 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.

### 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.

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<b>APPLICATION NO:</b>	<b>P1241.12</b>	
<b>WARD :</b>	Havering Park	<b>Date Received:</b> 31st December 2012 <b>Expiry Date:</b> 25th February 2013
<b>ADDRESS:</b>	2 Festival Cottages North Road Havering-Atte-Bower Romford	
<b>PROPOSAL:</b>	Retrospective application for an outbuilding for storage purposes only.	
<b>DRAWING NO(S):</b>	OS Map 2 Fest/12/10 2 Fest/12/11	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site is located on the northwestern side of North Road. The application site comprises a semi-detached two-storey dwelling on a large spacious plot. The surrounding area is characterised by mainly two-storey detached dwellings on large spacious plots. There is ample parking space on hard standing to the front of the dwelling. The application site and surrounding area is located within the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

The Council is in receipt of a retrospective planning application seeking permission for a single storey outbuilding.

The outbuilding will be situated approximately 0.5m from the southwestern neighbouring boundary and approximately 6.2m from the back of the semi-detached house. The proposal measures 2.7m in width and 6m in length. The outbuilding would have a height of 2.3m to eaves and 3.6m to the top of the dual pitched roof. The outbuilding would be used for storage purposes.

### **RELEVANT HISTORY**

- P1543.11 - Single storey side and rear extension and two storey rear extension  
Apprv with cons 06-12-2011
- P1208.11 - Single storey front and side extensions , part single, part two storey rear extensions and outbuilding to rear garden  
Refuse 30-09-2011

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 6 properties and a site notice was displayed. One objection was received relating to the obstruction of neighbouring views.

### **RELEVANT POLICIES**

#### **LDF**

CP17 - Design



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### **LDF**

DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
SPD4 - Residential Extensions & Alterations SPD

### **OTHER**

LONDON PLAN - 7.16 - Green Belt  
NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The proposal would not exceed 100m<sup>2</sup> of floor area and would therefore not be CIL liable.

### **STAFF COMMENTS**

The issues for Staff to consider relate to the impact of the proposal upon the open character of the Metropolitan Green Belt, streetscene and neighbouring residential amenity.

### **PRINCIPLE OF DEVELOPMENT**

Paragraph 89 of the NPPF states that the construction of new buildings inside the Green Belt is inappropriate unless it falls within its six uses where exceptions may apply. The proposed outbuilding does not fall within any of the exceptions and is therefore considered inappropriate development.

### **GREEN BELT IMPLICATIONS**

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, in this particular instance, the impact on the openness of the Green Belt, given its modest size, location relative to existing built form and situation within existing residential curtilage, is considered to be limited.

Staff consider that it would not be unreasonable, in this case, to allow the householder to construct a modest outbuilding within their garden. Therefore it is not considered that there is a need for a very special circumstance case to be formulated in this instance. It should be noted that a similar structure could be built two metres in from the boundary under permitted development.

Although the proposal is a departure from national policy Staff do not feel this particular case justifies a refusal.

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

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

The proposal would not be seen from the streetscene as it is situated in the rear garden. The proposal is considered acceptable in the rear garden environment as it is modest in size. Similar outbuildings are located to neighbouring properties in the immediate area.

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### **IMPACT ON AMENITY**

The proposals are not considered to result in unacceptable harm to the attached neighbouring occupier as it is situated approximately 7m off this neighbouring boundary.

Any potential impact to the detached neighbour is also considered acceptable. Although the outbuilding will be situated 0.5m from this neighbouring boundary any potential impact would be mitigated by the eaves height of 2.3m and an overall height of 3.6m. The dual pitched roof would also be sloping away from the neighbouring boundaries. Any potential impact in terms of loss of outlook is also considered acceptable as the outbuilding is modest in size.

One flank window and timber door is proposed to the northeastern elevation. The proposal would not result in any overlooking as it is set approximately 7m off the northeastern boundary.

### **HIGHWAY/PARKING**

There is currently the provision for the parking of two vehicles to the front of the property. The current parking provision is in line with policy guidelines. The proposal is therefore not considered to raise any highway or parking issues.

### **KEY ISSUES/CONCLUSIONS**

Although the proposal is contrary to national policy Staff do not consider the outbuilding to be of such bulk and size to justify a refusal on harm to the openness of the Green Belt. No impact would result to neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

### **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 render and roof tiles to match those of the existing residential dwelling 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

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### **4. 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.

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## **INFORMATIVES**

### **1 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations SPD and the National Planning Policy Framework.

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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<b>APPLICATION NO:</b>	<b>P1415.12</b>	
<b>WARD :</b>	Emerson Park	<b>Date Received:</b> 21st November 2012 <b>Expiry Date:</b> 16th January 2013
<b>ADDRESS:</b>	77-79 Butts Green Road Hornchurch	
<b>PROPOSAL:</b>	Variation of Condition 9 of APP/B5480/A/11/2167078 (P1649.09) to allow for newspaper deliveries to occur between the hours of 5am and 7am.  Revised proposal	
<b>DRAWING NO(S):</b>	Covering letter email from agent dated	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **BACKGROUND**

This application was deferred from Regulatory Services Committee at Officer's request in order for the report to assess a late amendment put forward by the applicant to alter the proposal by seeking to have three deliveries between 5am and 7am. Staff also wished to include a full set of conditions that would be related to the original scheme and reflected details already approved.

### **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 application 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 up to 3 deliveries of newspapers/magazines between 05:00 and 07:00 each day. Because Condition 6 of the original permission 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.

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

- Q0280.12 - Discharge of Conditions 7,8&17 of P1495.11  
Awaiting Decision
- Q0279.12 - Discharge of Conditions  
Awaiting Decision
- Q0253.12 - Discharge of Conditions 11 & 20 of P1495.11  
DOC Discharge 12-02-2013  
PART
- Q0243.12 - Discharge of condition 15 of P1495.11  
DOC Discharge 17-12-2012  
PART
- Q0231.12 - Discharge of Conditions 4,14,18 and 19 of P1495.11  
DOC Discharge 23-11-2012  
PART
- P1152.12 - Installation of an ATM  
Apprv with cons 09-11-2012
- P1151.12 - Installation of external shutters.  
Apprv with cons 25-01-2013
- P1150.12 - Installation of a new Shopfront  
Apprv with cons 09-11-2012
- A0053.12 - Display of 2no. externally illuminated fascia signs and 1no. externally illuminated projecting sign  
Apprv with cons 09-11-2012
- 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
- P1087.04 - Renewal of planning permission P0577.99. Single storey extension to rear of existing shop units.  
Apprv with cons 23-07-2004

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P0577.99 - Single storey extension to rear of existing shop units giving greater selling space & storage area (re:P1755.83)  
Apprv with cons 21-06-1999

A0032.98 - Two illuminated poster panels forming an integral part of the bus shelter each 1760mm x 1160mm  
Apprv with cons 12-06-1998

### **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
- 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

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### **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 a newspaper van would make up to three deliveries of newspapers and magazines 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 no goods or materials can be stored outside the store, therefore it is 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 deliveries which should in themselves take no more than a few 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. It is not expected that an application for the review would be submitted before the end of January 2014 as this would be premature to assess any impact.

### **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.

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 drafting the report it was noted that the store has yet to be opened. The proposal would

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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 up to 3 visits 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. SC27 (Hours of use) ENTER DETAILS**

No deliveries, despatch or servicing shall take place to/from the site outside the hours of 1000 and 1600 and the hours of 1800 and 2100, except in the following circumstance:

Until 3rd April 2014, in addition to the above, a maximum of 3 daily deliveries by light goods vehicle of newspapers and magazines only between the hours 0500 and 0700. After 3rd April 2014, deliveries shall revert to the limited hours stated above.

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.

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

The development hereby permitted shall be carried out in accordance with the following approved plans: Refs F9DO8-135 A(00)03, F9DO8-135 A(00)04, F9DO8-135 A(00)05, F9DO8-135 A(00)06, F9DO8-135 A(00)22, F9DO8-135 A(00)28 Revision A, F9DO8-135 A(00)29 Revision A, F9DO8-135 A(00)30, F9DO8-135 A(00)31, F9DO8-135 A(00)32, and F9DO8-135 A(00)33. Except where they differ from the plans submitted under subsequent approved applications: P1150.12 (shopfront), P1151.12 (external shutters) and P1152.12 (ATM machine); where such approved development shall be carried out.

Reason:-

To ensure a satisfactory design, layout and external appearance and to protect adjoining residential amenity.

#### **3. Non Standard Condition 32**

The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match those used in the existing building.

Reason:-

To ensure a satisfactory external appearance.

#### **4. Non Standard Condition 33**

Prior to the occupation of the development, waste storage and recycling facilities shall



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**5. Non Standard Condition 34**

Notwithstanding the General Permitted Development Order provisions, any trolleys provided for customer use shall not be located or stored outside of the premises.

Reason: In order to ensure a satisfactory external appearance and to prevent obstruction of the public highway.

**6. Non Standard Condition 35**

No storage of goods or materials shall take place on-site outside of the premises.

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

**7. Non Standard Condition 36**

Prior to the occupation of the development hereby permitted an area within the highway to the front of the site for the loading and unloading of delivery and service vehicles, shall be provided in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. This approved area shall be permanently retained thereafter. There shall be no loading or unloading of goods from vehicles other than from within this approved area.

REASON: In the interests of Highway Safety

**8. Non Standard Condition 37**

Prior to the occupation of the development works affecting the public highway will have been submitted to and approved in writing by the local planning authority. The approved works shall be carried out prior to the occupation of the development hereby permitted or in accordance with a programme agreed with the local planning authority, and permanently retained thereafter.

Reason: In the interests of Highway Safety

**9. Non Standard Condition 38**

The development hereby permitted shall not be open to customers outside the hours of 0700 and 2200.

Reason: In the interests of residential amenity.

**10. Non Standard Condition 39**

Works shall only be undertaken in accordance with the Construction Method Statement submitted by GLHearn dated 5/2/13 (revised details) submitted and approved under application no. Q0253.12 planning authority.

Reason: In the interests of residential amenity.

**11. Non Standard Condition 40**

Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity

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**12. Non Standard Condition 41**

There shall be no burning of waste or other materials on the site.

Reason: In the interests of residential amenity

**13. Non Standard Condition 42**

No external plant or machinery including air conditioning units shall be installed to the building hereby permitted, except for those approved under Council Application Ref Q0231.12:

Proposed Plant Elevations - F9D08-135 A (00) 82;

Proposed Plant Plan - F9D08-135 A (00) 83;

Proposed Plant Elevations - F9D08-135 A (00) 84

The approved external plant and machinery shall be installed and maintained in accordance with the approved details.

Reason: In the interests of residential amenity

**14. Non Standard Condition 43**

The development shall be carried in accordance with the details of sound insulation measures for the building and for any external plant and machinery approved under Council Ref: Q0243.12:

Noise Report KR02834.

Reason: In the interests of residential amenity

**15. Non Standard Condition 44**

If any cooking or food heating facilities are to be provided within the premises, the development hereby permitted shall not be occupied until fume extraction and odour control equipment has been installed in compliance with a scheme to be submitted to and approved in writing by the local planning authority. That scheme shall include measures control the transmission of noise and vibration from any mechanical ventilation system to be installed. The approved equipment shall thereafter be operated and maintained in accordance with manufacturer's instructions and be operated at all times when cooking or food heating is carried out.

Reason: In the interests of residential amenity

**16. Non Standard Condition 45**

The Travel Plan as agreed under Council Application Ref.:Q0280.12 prepared by vcl2 Ltd. 2012 dated November 2012, shall be implemented in accordance with the agreed timescale and details.

Reason: To encourage the use of alternative forms of transport.

**17. Non Standard Condition 46**

Prior to the occupation of the development, secure cycle parking facilities for the users of, and visitors to, the development hereby permitted shall be provided in accordance with details approved under Council Application Ref Q0231.12:

Proposed Ground Floor Conditions Plan F9D08-135 A (00) 200

The cycle storage shall thereafter be permanently retained.

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### **18. Non Standard Condition 47**

Prior to occupation of the development, CCTV for the purposes of community safety and the prevention of crime shall be provided in accordance with the scheme approved under Council Ref: Q0231.12:

Proposed Ground Floor Conditions Plan F9D08-135 A (00) 200

CCTV Spec Express Stores

ZC-D400 CS0808 Spec

The CCTV shall thereafter be permanently retained.

Reason: In line with Policy DC63 of the LDF Core Strategy and Development Control Policies DPD

### **19. Non Standard Condition 48**

A site investigation into the nature and extent of contamination shall be carried out in accordance with a methodology, which was submitted to and approved in writing by the local planning authority under Council Application No. Q0253.12 by Herts and Essex Investigations dated 15/10/12. The site shall be remediated in accordance with the approved measures before the development is occupied. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In accordance with Policy DC53 of the LDF Core Strategy and Development Control Policies DPD.

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## **INFORMATIVES**

### **1 Highways Informatives**

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 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC32, DC34, DC35, DC36, DC54, DC61 and DC63 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.

### **3 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 the National Planning Policy Framework 2012.

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<b>APPLICATION NO:</b>	<b>P1497.12</b>	
<b>WARD :</b>	Harold Wood	<b>Date Received:</b> 10th December 2012 <b>Expiry Date:</b> 4th February 2013
<b>ADDRESS:</b>	Melville Court Spilsby Road	
<b>PROPOSAL:</b>	Change of Use of Units C and D Melville Court from B1 to D1	
<b>DRAWING NO(S):</b>	Ordnance survey map	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

This application has been called in by Councillor Tebbutt to ensure consistency of the decision, as the Council has been using a building for educational purposes themselves.

### **SITE DESCRIPTION**

The application site comprises of Units C & D, a two storey building located in Melville Court, which is a small complex of light industrial based units located on the northern side of Spilsby Road. The site is covered in hard standing which provides on-site car parking.

### **DESCRIPTION OF PROPOSAL**

Planning permission is sought for a change of use from B1 to D1. The proposed change of use would cover an area of 800m<sup>2</sup>.

Units C and D would be occupied by The Learning Centre (TLC Romford) Ltd, which is an independent day service for adults who have learning disabilities. TLC Ltd has 30 students plus per day and provide services for 60 students per week, who attend for between one to five days. The majority of students are collected from and returned home by two minibuses. These vehicles would not remain at the premises overnight.

The existing areas of hard standing provide off street parking for 28 vehicles.

At present, the applicant employs 2 full time and 28 part time staff (which equates to 14 full time staff). If the premises were to be secured long term, staffing levels would need to be increased due to the nature of the business.

### **RELEVANT HISTORY**

No relevant planning history.

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 26 neighbouring properties. No letters of representation have been received.

The Highway Authority has raised no objection to the proposal. The proposal satisfies the parking standard required for a change of use to D1, it also provides a drop off space for the minibuses that transport the majority of students to and from the proposed centre.

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### **RELEVANT POLICIES**

Policies CP3 (Employment), DC9 (strategic industrial locations), DC29 (Educational premises), DC33 (car parking) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents.

Policies 2.17 (strategic industrial location), 3.16 Protection and enhancement of social infrastructure and 4.4 (managing industrial land and premises) of the London Plan are relevant.

Chapters 1 (Building a strong, competitive economy) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

### **MAYORAL CIL IMPLICATIONS**

The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) as it would not result in an increase in floor area.

### **STAFF COMMENTS**

The main issues to be considered by Members in this case are the principle of development, amenity implications, and parking and highways issues.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the designated Harold Hill Industrial Estate. This is identified as being a Strategic Industrial Location (SIL). Policy DC9 is relevant here which states that the only acceptable uses in these locations are B1 (b+c), B2 and B8. It is proposed to change 800m<sup>2</sup> of B1 (Business) floor space into D1 (Non-residential institutions).

D1 uses are not included within the defined acceptable uses in Policy DC9 and are therefore unacceptable in principle. Policy 2.17 of the adopted 2011 London Plan promotes the protection and management of SILs. Development proposals within these sites should be refused unless they fall within the broad industrial type activities outlined in paragraph 2.79, which includes industrial, light industrial, storage and distribution uses or where the proposal is for employment workspace to meet the identified needs of small and medium sized enterprises or new emerging industrial sectors or for small scale services for industrial occupiers, such as workplace creches or cafes.

Development within SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities. The London Plan states that these designated areas provide 40% of the total industrial land for London and are therefore highly important to the overall vitality of the capital.

Policy DC9 provides strict guidance as to acceptable uses in the industrial estate. Unlike policy DC10 which refers to Secondary Employment Areas, it does not allow for the demonstration that the site is no longer fit for purpose. However, the applicant has stated that there is a need for these units to be occupied, as one of the units has been vacant since August 2011 and the other has been vacant from January 2012. Since that time, there has been no interest to fill the units due to the downturn in the economy. Also, no interest has been shown in a long term lease due to the lack of financial commitment over a long period.

When considering the merits of this application, consideration may be given to the fact that units C and D would be occupied by The Learning Centre (TLC Romford) Ltd, which is an independent day service for adults who have learning disabilities. TLC Ltd has 30 students plus per day and provide services for 60 students per week, who attend for between one to five days.

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The applicant has advised that the proposal would generate much needed employment, whereas many other industrial premises within the immediate vicinity of the site are vacant and have been so for some time. The applicant has stated that the previous occupants were a clearing bank, which it could be argued was also not a use in the spirit of what a Strategic Industrial Location is about.

The applicant has stated that the local authority has previously vacated Unit A on the same complex for the very same use proposed for this planning application. This proposal would utilise Units C and D for office space and teaching areas.

The applicant has stated within their supporting documents that the surrounding units to both the west and east are considerably larger in floor space than the proposed site. The premises to the west has changed owners several times in the past and one factory (known as No. 1) has been vacant for several years.

At present, the applicant rents premises within the London Borough of Havering, although larger premises are being sought within this central area due to the expansion of the business. The contract for the applicant's existing premises has almost expired. The applicant has stated within their supporting documents that no other suitable premises have been identified to date, hence, the reason for this proposed change of use. Alternatively, the applicant would need to relocate his business out of the borough.

Section 1 of the NPPF states that in drawing up Local Plans, local authorities should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

Policy 2.17 of the London Plan states that boroughs and other stakeholders should, promote, manage and, where appropriate, protect the strategic industrial locations (SILs). Policy 4.4 states that boroughs should adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space.

At present, the applicant employs 2 full time and 28 part time staff, although if the proposed premises were to be secured in the long term, it would be necessary to further increase staffing levels due to the nature of the business. Although it is acknowledged that an educational use would provide jobs, against this it should be acknowledged that an educational use may discourage industrial uses where an industrial estate location is preferred.

In all, a change of use to D1 would therefore be unacceptable in principle in this location. However, the issue of job creation is especially relevant in these economically uncertain times and this issue will be a judgement for Members to debate, balancing this against the firm policy presumption to retain SILs for certain uses. It is noted that during a Regulatory Services committee meeting on 21st February 2013, Members granted planning permission for a change of use from B8 (warehouse with ancillary offices) to A1 (retail) with ancillary offices and a reduction of retail floor area from 2810 to 2435 square metres at Enterprise House, 34 Faringdon Avenue, Harold Hill - planning application reference P1268.11.

A discussion has taken place with the applicant regarding the possibility of a two year temporary permission. The applicant refused the option of granting temporary planning permission for two years due to the significant investment required to relocate the business together with the long term commitment that the freeholder requires due to a ten year lease. Staff recognise that it is a



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community use that provides a useful service for residents, although there is a need to retain the Strategic Industrial Locations in the borough.

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

The proposal does not involve any external changes to the building. Staff acknowledge that the site is vacant and therefore creates an element of inactivity in the streetscene. The reuse of the building would therefore contribute to the wider vitality of the area. However, this is not considered justification for a use which is unacceptable in this location.

No details have been provided as to potential signage and these would require separate consents.

### **IMPACT ON AMENITY**

The nearest residential properties are located to the north on Camborne Avenue and these are well removed from the site. Staff do not consider that an D1 use would have any significant impact over and beyond the former permitted B1 use of the site.

### **HIGHWAY/PARKING**

The Learning Centre has 30 students plus per day and provide services for 60 students per week, who attend for between one to five days. The majority of students are collected from and returned home by two minibuses. These vehicles would not remain at the premises overnight. The existing areas of hard standing provide off street parking for 28 vehicles. The Highway Authority has raised no objection to the proposal. The proposal satisfies the parking standard required for a change of use to D1, it also provides a drop off space for the minibuses that transport the majority of students to and from the proposed centre.

### **KEY ISSUES/CONCLUSIONS**

In conclusion, the creation of D1 floor space is contrary to Policies CP3 and DC9 of the LDF Core Strategy Development Control Policies DPD and Policies 2.17 and 4.4 of the 2011 London

Plan and the National Planning Policy Framework. Staff therefore consider this use to be inappropriate in this location. However, the proposals would bring vacant units into use, provide an independent day service for adults who have learning disabilities and provide additional employment opportunities and this is a judgement for Members to consider.

It is considered that there would not be any adverse harm to surrounding amenity and would not create any highway or parking issues; however, for the reasons outlined above, it is

### **RECOMMENDATION**

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

#### **1. Reason for refusal**

The application site is situated within a designated Strategic Industrial Location, where Policy DC9 of the Core Strategy and Development Control Policies Development Plan Document permits only B1 (b&c), B2 and B8 uses. The proposal is not for one of these specified uses and is considered to jeopardise the provision of accessible employment



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Strategy and LDF Development Control Policies DPD and Policy 2.17 of the London Plan.

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**1 Refusal - No negotiation**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

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<b>APPLICATION NO:</b>	<b>P0025.13</b>	
<b>WARD :</b>	Rainham & Wennington	<b>Date Received:</b> 21st January 2013 <b>Expiry Date:</b> 22nd April 2013
<b>ADDRESS:</b>	former landfill site south east of Easter Park Coldharbour Lane Rainham	
<b>PROPOSAL:</b>	Restoration of former landfill located to the south east of Easter Park off Coldharbour Lane.	
<b>DRAWING NO(S):</b>	1 2 3 4 5 6 7 8	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The site forms part of a restored landfill that received waste material from the former Murex facility, which processed metal ores and produced low radioactive slag material. The site forms a broadly rectangular area approximately 2.3 hectares in size. The remainder of the former landfill, located to the north and west of the site, has been remediated and restored, and is now occupied by an industrial development.

The previously deposited materials rise to around 7m above the surrounding ground levels. The site's south eastern boundary lies adjacent to the "Common Sewer", which is a tributary of the River Thames and which the site's surface water drains to. Beyond this watercourse is Rainham Landfill, which is an active landfill site. The site's north western and south western boundaries lie adjacent to neighbouring industrial properties, whilst the north eastern boundary adjoins a strip of land running along the southern side of Coldharbour Lane.

The site is located on land designated as a Strategic Industrial Location in the LDF. The Inner Thames Marshes Site of Special Scientific Interest (SSSI), which is also designated as a Metropolitan Site of Nature Conservation Importance. is located immediately to the north and east beyond Coldharbour Lane.

### **DESCRIPTION OF PROPOSAL**

This planning application proposes the restoration of the site through the importation of inert material. The applicants have stated that the previous restoration of the site was of a poor standard and that there are concerns that, over time, surface water penetration of the existing cap could result in contaminants leaching out of the site.

The proposal is to place a new cap over the top of the existing land mass using imported materials, following some excavation of the existing landmass to re-level the land. The cap would comprise various layers, including a compensation layer of material to even out the

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existing surface, a geomembrane sealing layer, a drainage layer, and soils. These layers, which would have a total depth of approximately 1.3m, would be completed by a landscaping scheme.

A retaining structure comprising stone gabions approximately 1m in height would be constructed along the north western, north eastern, and south eastern boundaries of the site.

The submitted information states that none of the existing material would leave the site. It is anticipated that the landfilling operations would take between 6 and 8 months to complete, with a maximum of 50 lorry movements per day over a three month period. The proposal would include a new access into the site from Coldharbour Lane.

The submitted information indicates the siting of a storage area, offices, and vehicle parking area on the strip of land between the highway and the site.

### **RELEVANT HISTORY**

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

P0017.10 - Formation of temporary vehicular access into the existing site off Coldharbour Lane, Rainham - Approved.

P2046.03 - Placement of engineering fill comprising crushed concrete - Approved.

P0093.01 - Stabilisation of landfill structure including sheet piling and earthworks, associated works include new access and drainage - Approved.

### **CONSULTATIONS/REPRESENTATIONS**

This application was advertised by site notice and in the local press. Notification letters were sent to 103 neighbouring addresses.

A representation has been received from the Royal Society for the Protection of Birds (RSPB) stating that the proposal is in close proximity to a Site of Special Scientific Interest (SSSI) and that more information should be required in relation to the number of vehicle movements, duration of the development, and the likely noise impacts, in order that the impacts on the SSSI can be properly assessed. It is also stated that any landscaping scheme approved should be of a minimal nature and that the RSPB should be involved in the approval of landscaping details.

Comments have been received from the following consultees:

Environment Agency - No objections; conditions recommended.

Natural England - Comments awaited.

Highway Authority - comments awaited.

Environmental Health

No objections. Planning conditions recommended in relation to air quality and contaminated land.

Essex and Suffolk Water

No objections.

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### **RELEVANT POLICIES**

Core Strategy and Development Control Policies Development Plan Document ("the LDF"):

CP11 (Sustainable Waste Management)  
DC9 (Strategic Industrial Locations)  
DC32 (The Road Network)  
DC48 (Flood Risk)  
DC52 (Air Quality)  
DC53 (Contaminated Land)  
DC55 (Noise)  
DC58 (Metropolitan Site of Nature Conservation Importance)  
DC59 (Biodiversity in New Developments)  
DC61 (Urban Design)

Joint Waste Development Plan Document ( the Waste DPD )

W1 (Sustainable Waste Management)  
W4 (Disposal of Inert Waste by Landfilling)  
W5 (General Considerations With Regard to Waste Proposals)

Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

### **MAYORAL CIL IMPLICATIONS**

The proposed development would not give rise to a contribution under the Mayoral CIL Regulations.

### **STAFF COMMENTS**

This proposal is put before Planning Committee as it is a Major development. The main issues are considered to be the amenity, visual, highway, and environmental impacts.

### **PRINCIPLE OF DEVELOPMENT**

Policy W4 of the Joint Waste DPD states that planning permission will only be granted for waste disposal by landfilling in given instances, including where the proposed development is both essential for and involves the minimum quantity of waste necessary for:

"d) improving land damaged or degraded as a result of existing uses and where no other satisfactory means exist to secure the necessary improvement."

As the proposal would result in the enhancement of a former landfill site, which was poorly restored, and would protect the surrounding environment from potential contamination emanating from the site, the proposal is considered to be in accordance with Policy W4 of the Joint Waste DPD, and is therefore acceptable in principle.

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

Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy W4 of the Joint Waste DPD states that landfilling proposals should incorporate finished levels

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compatible with the surrounding landscape and should be the minimum required for the satisfactory restoration and aftercare of the land.

The site is located on land designated as a Strategic Industrial Location and the neighbouring land area is characterised by built-up industrial development, large scale municipal landfilling operations, and a roadway carrying HGV vehicles to the afore mentioned landfilling site. The Rainham Marshes SSSI is located to the north and east, beyond the afore mentioned public highway.

It is considered that the addition of approximately 1.3m over and above the maximum existing site levels would not be detrimental to the character of the area, particularly given the presence of a much larger, adjoining landfill site. Having assessed the submitted information, it is considered that the proposed deposition of material would be an amount necessary to ensure the satisfactory capping of the site. It is recommended that a condition be imposed requiring the approval of landscaping details, including provisions for the 5 year aftercare of the proposed landscaping scheme, along with details of the proposed boundary treatment post-completion. A further condition is recommended to ensure that the proposed operations are completed within one year of the commencement of development. The removal of temporary structures and plant can be achieved by means of the submitted landscaping scheme, which will illustrate the restored site condition.

Subject to the afore mentioned condition, it is considered that the proposal would be in accordance with Policy DC61 of the LDF and Policy W4 of the Joint Waste DPD in terms of its visual impact.

### **IMPACT ON AMENITY**

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

There are no residential occupiers in close proximity to the site and it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers.

In terms of its impact on local and residential amenity, the proposal is considered to be in accordance with Policy DC61 of the LDF.

### **HIGHWAY/PARKING**

Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

The submitted information states that the proposal would result in upto 50 HGV lorry movements over a three month period. Given that the site would be accessed from a roadway that is already providing access to a major landfill site and given that the proposed development would be temporary in nature, it is considered that the proposal would not result in any significant adverse highway impacts. However, given that the proposal would include parking spaces and a material storage area alongside the highway, it is considered that comments should be awaited from the Highway Authority prior to a decision being formally made. Members will be updated during the planning committee meeting of any comments received from Highway officers.

Subject to no objections being received from the Highway Authority, in terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is

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considered that the proposed development would be acceptable and in accordance with Policy DC32 of the LDF and W5 of the Joint Waste DPD.

### **OTHER ISSUES**

#### Environmental Considerations

Policy DC52 of the LDF states that planning permission will only be granted providing significant harm to air quality would not be caused. Policy DC53 states that planning permission will only be granted for development that would not lead to future contamination of the land in and around a site, and, where contamination is known to exist at a site, a full technical assessment is undertaken. Policy DC55 states that consent will not be granted for development that would result in unacceptable levels of noise and vibrations affecting sensitive properties.

The site is located alongside a Metropolitan Site of Nature Conservation Importance and in close proximity to the Inner Thames Marshes SSSI. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. Natural England have been consulted about the proposal but comments are still await. Members will be given an update during the planning committee meeting.

The Council's Environmental Health Department has not raised any objections or recommended any conditions in relation to noise impacts, however, conditions have been proposed in relation to contaminated land and air quality. The Environment Agency has also recommended planning conditions in relation to contamination and it is considered these conditions should, where appropriate, be imposed should planning permission be granted. A condition is also recommended requiring the approval of proposed ecological enhancement measures, including measures to permit wildlife access through the proposed stone gabions.

The RSPB has commented that more information should be submitted concerning the likely noise impacts from the site, in order to allow the impact on the SSSI to be properly considered. The proposal is for, what is considered to be, an essential capping development to prevent contamination from the site spreading to the surrounding land in future. It is considered that the proposal, which would involve HGV vehicles accessing the site, and the use of machinery for the deposition and leveling of material, would be unlikely to give rise to significant noise impacts in the area giving the surrounding uses which include a landfill site and industrial uses. The highway adjoining the site is already carrying a significant number of HGV movements on a daily basis. Moreover, it is anticipated that the proposed operations would only last for between 6 and 8 months, with the majority of the HGV movements being for a 3 month period.

It is considered that, given the nature of the proposed development, including its siting, scale and design, there would not be any significant adverse impacts, in terms of noise, ecology, or air quality impacts pollution, if this application were to be approved. The proposal is considered to be acceptable subject to the imposition of the aforementioned conditions. It is considered that the proposal would be in accordance with Policies DC52, DC53, DC55, DC58, DC59, and DC61 of the LDF and Policy W5 of the Joint Waste DPD.

#### Other

Policy W5 of the Waste DPD stipulates the types of information that should be included with planning applications for waste development, including mitigation measures to minimise or avoid various types of impact. The proposal is considered to be in accordance with this policy in all relevant respects.

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### **KEY ISSUES/CONCLUSIONS**

The proposal would result in the improved restoration of a former landfill site including measures to prevent potential contamination emanating from the site in future. Subject to the conditions recommended in this report, the proposal is considered to be acceptable having regard to Policies CP11, DC9, DC32, DC48, DC52, DC53, DC55, DC58, DC59, and DC61 of the LDF and all other material considerations.

### **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. 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.

#### **3. SC57 (Wheel washing) (Pre Commencement)**

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

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

#### **6. Non Standard Condition 31**

No development approved by this planning permission (or such other date or stage in

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**7. Non Standard Condition 32**

The site shall not commence operating until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:-

Investigations carried out to date have shown that pollution and contamination is present. Further remediation and investigation is therefore required to demonstrate that no unacceptable concentrations of contaminants are present at the site. This will ensure that water quality does not deteriorate further.

**8. Non Standard Condition 33**

No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:-

Groundwater monitoring is required before, during and after remediation to ensure that any works on site do not mobilise contaminants and have a detrimental impact on water quality.

**9. Non Standard Condition 34**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:-

To ensure that any previously unidentified contamination is disposed of appropriately. Waste materials in landfills are heterogeneous and areas not previously investigated may cause pollution to controlled waters.

**10. Non Standard Condition 35**



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**10. Non Standard Condition 35**

No infiltration of surface water drainage into the ground at this site, is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:-

Infiltration through contaminated soils may cause unacceptable deterioration in water quality.

**11. Non Standard Condition 37**

No development shall take place until a scheme detailing the proposed ecological enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:-

To ensure compliance with Policy DC59 of the Development Control Policies Development Plan Document.

**12. Non Standard Condition 38**

No development shall take place until the Local Planning Authority has been notified in writing of the proposed date of commencement of the development hereby approved. The approved landfilling operations shall be completed within 12 months of the commencement of development, with the approved landscaping details being implemented in the first available planting season following the completion of landfilling operations.

Reason:-

To ensure that the development is completed in a timely fashion.

**13. SC11 (Landscaping) (Pre Commencement Condition)**

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

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### **14. SC13B (Boundary screening) (Pre Commencement)**

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.

### **15. SC63 (Construction Methodology) (Pre Commencement)**

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.

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## **INFORMATIVES**

### **1 Reason for Approval**

Informatives:

Whilst undertaking the proposed works we recommend that you recommend that you:

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

Refer to the Environment Agency Guiding Principles for Land Contamination for the type

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of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution

Treated materials can be transferred between sites as part of a hub and cluster project

Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If any waste is used for the proposed restoration they will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. The applicant is advised to contact the Environment Management/ PPC team at Apollo Court, Hatfield Office on 01707 632300 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

Advice with regards to Flood Defence Consent

Under the Thames Region Land Drainage Byelaws 1981, our prior written consent of is required for certain works within 8.0m of the top of the bank of the Rainham Main Sewer (which runs along the south eastern boundary of the site) which is designated a 'main river'.

On 6 April 2012 the responsibility for ordinary watercourse regulation including determining consent applications transferred to the Lead Local Flood Authority under the provisions of the Flood and Water Management Act 2010.

We are therefore now unable to provide advice or to consent works on ordinary watercourses such as the access bridge / culvert works on the ordinary watercourses on the north eastern and south western boundaries of the site.

Reason for Approval:

The proposal would result in the improved restoration of a former landfill site including measures to prevent potential contamination emanating from the site infuture. Subject to the conditions recommended in this report, the proposal is considered to be acceptable having had regard to Policies CP11, DC9, DC32, DC48, DC52, DC53, DC55, DC58, DC59, and DC61 of the LDF and all other material considerations.

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



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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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<b>APPLICATION NO:</b>	<b>P0082.13</b>	
<b>WARD :</b>	Elm Park	<b>Date Received:</b> 8th February 2013 <b>Expiry Date:</b> 5th April 2013
<b>ADDRESS:</b>	9 Stephen Avenue Rainham	
<b>PROPOSAL:</b>	New attached dwelling on land adjacent to 9 Stephen Avenue Rainham Essex, and first floor rear extension to 9 Stephen Avenue	
<b>DRAWING NO(S):</b>	sk.1720.13.1	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application was called in by Cllr Barry Oddy in order to ensure that there are consistent decisions in relation to corner plots.

### **SITE DESCRIPTION**

The application site comprises garden land which is currently in the ownership of No. 9 Stephen Avenue. No. 9 is a semi-detached property located on the corner of Stephen Avenue and Gray Gardens. The application site comprises the garden land to the side of No. 9. The site measures 11.5m wide and 26.6m long. No. 9 currently has parking within the rear garden, which is accessed from Gray Gardens, however there is the capacity to create two parking spaces in the front garden of No. 9.

The surrounding area is residential in character and comprises of predominantly two storey semi-detached dwellings.

### **DESCRIPTION OF PROPOSAL**

The application seeks permission for the extension of the existing semi-detached pair of properties, to create a new three bedroom, two storey dwelling. The proposal also involves the addition of a first floor rear addition to the donor property, No. 9.

The dwelling would measure 5m wide by 9.58m deep and 7.7m to the top of the hipped roof. The new dwelling would be in line with the existing single storey rear addition of the donor property at ground floor but would exceed 2.6m in depth beyond the existing first floor building line of the donor property for the full width of the new dwelling.

In order to mitigate any potential impact on the donor property the applicant is also proposing a first floor extension to the donor property measuring 3.15m in width and 2.6m in depth. The first floor rear addition would have a hipped roof 6.45m in height to the ridge. The additional space would be used as a bathroom.

Two parking spaces for the new dwelling would be provided to the rear of the site, with access from Gray Gardens. Private amenity space of 84 square metres would be provided to the rear of the dwelling.

Two parking spaces for the donor dwelling would be located in the front garden of the donor dwelling. The donor dwelling would retain private amenity space of 92 square metres.

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### **RELEVANT HISTORY**

P0081.13 - TWO STOREY REAR EXTENSION TO BE READ IN CONJUNCTION WITH  
APPLICATION NUMBER PP02421296  
Withdrawn - Invalid 11-02-2013

### **CONSULTATIONS/REPRESENTATIONS**

Fifteen neighbouring occupiers were notified of the application and no letter of objection were received.

The Fire Brigade has no objections to the proposal.

Highways raised no objection to the proposal.

The Borough Crime Prevention Design Advisor requests a Secure by Design Condition and Informative.

Environmental Health requested conditions for insulation and limited construction and delivery hours and an informative for land contamination.

### **RELEVANT POLICIES**

#### **LDF**

CP1 - Housing Supply  
CP17 - Design  
CP2 - Sustainable Communities  
DC11 - Non-Designated Sites  
DC2 - Housing Mix and Density  
DC3 - Housing Design and Layout  
DC33 - Car Parking  
DC61 - Urban Design  
DC63 - Delivering Safer Places  
DC72 - Planning Obligations  
SPD11 - Planning Obligation SPD  
SPD4 - Residential Extensions & Alterations SPD  
SPD9 - Residential Design SPD

#### **OTHER**

LONDON PLAN - 3.3 - Increasing housing supply  
LONDON PLAN - 3.4 - Optimising housing potential  
LONDON PLAN - 3.5 - Quality and design of housing developments  
LONDON PLAN - 3.8 - Housing choice  
LONDON PLAN - 6.13 - Parking  
LONDON PLAN - 7.13 - Safety, security and resilience to emergency  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 8.3 - Community infrastructure Levy  
NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

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 86m<sup>2</sup> and amounts to £1,720.

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### **STAFF COMMENTS**

The main considerations in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. As the site does not fall within any designated areas, and the surrounding use is residential, then in principle residential uses are acceptable in this location.

### **DENSITY/SITE LAYOUT**

The site is located within a low ranked Public Transport Accessibility Level Zone (PTAL 1-2). Within this zone, housing density of between 30-50 dwellings per hectare is anticipated. The site comprises 0.03ha, so the proposal would produce a density of 66 dwellings per hectare, which is in excess of the density for this location. Although the density is in excess of the density range this is only one measure of acceptability.

The London Plan 2011 outlines minimum space standards for dwellings of different sizes. The standards are 87m<sup>2</sup> for a four person 3 bed dwelling. At 81 square metres, the dwelling does not achieve the minimum standard. Staff recognise the shortfall in minimum standard only amounts to 6m<sup>2</sup>, however securing new housing of the highest quality is one of the key priorities for the Mayor of London. The minimum internal standards is key to achieving this key priority and improve the quality of new built dwellings across all London Boroughs. Staff consider the shortfall to be harmful to the quality of living accommodation of future occupiers.

In respect of outdoor 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 this instance the proposed dwelling would have a private garden area of approximately 84 square metres. This is similar in size to other rear gardens in the immediate vicinity and the garden would be large enough to provide future occupiers with a usable external space for day to day activities such as outdoor dining, clothes drying and relaxation. Staff consider that potential future occupiers could make a decision on whether or not the garden was sufficient in size for their particular needs.

The proposed location of the dwelling, extending an existing semi-detached property to become a terrace, raises concerns about the impact of the dwelling on the street and rear garden environment, which will be addressed further below.

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

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



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While this is a new dwelling, it does involve the extension of an existing semi-detached property. Staff consider that the policies contained within the Residential Extensions and Alterations SPD are relevant. This SPD contains policies specifically addressing side extensions to dwellings on corner plots, which state that the flank wall of side extensions should be set at least 1m back from the footway and should not project forward of the building line of properties along the adjoining street. In this case the proposed new dwelling would not meet the guidance as it is set 0.85m from the footway. Also the the flank wall of No. 9 Stephen Avenue is already projecting forward of the front building line of the properties along Gray Gardens. Concerns are also raised regarding the proposed first floor rear addition to the donor property, 9 Stephen Avenue. The width of this addition in combination with the two storey rear projection of the proposed dwelling would result in a excessively wide two storey rear projection to the detriment of the rear garden environment and streetscene. As a result the proposed new dwelling would fully project beyond the front building line of these properties. Staff consider that the cumulative impact would be that the proposed new dwelling and extended dwelling would appear cramped and dominant within the streetscene, to the detriment of local character.

The junction currently retains a quality of spaciousness; no. 1 and 3 Gray Gardens is well set back from the building line along Gray Gardens and preserves similar spacing on the junction. Staff note the semi-detached dwelling at 2 Lovell Walk protrudes beyond the building line of the dwellings along Stephen Avenue, and is just visible from the application site, however staff note that there is no recent history of planning permission granted prior to the publication of the current Residential Extensions and Alterations SPD. Staff also consider that the relationship of this dwelling to surrounding development is materially different to the subject site, as a result of its location on the main road, rather than as part of the narrower streets on which the subject site is located. Staff therefore do not consider that 2 Lovell Walk is relevant to the consideration of this application and conclude that the proposal would appear out of context with the surrounding pattern of development and would have a harmful impact on the streetscene.

The applicant has also referred to a development at No. 16 Gray Gardens which also projects beyond the building line of the returning dwellings. It should however be noted that planning permission for a two storey side addition was granted for this dwelling in 1999 prior to the publication of the current Residential Extensions and Alterations SPD. Also this corner location does not benefit from the same open aspect as the application site, No. 2 Adnams Walk which is on the opposite side of the junction and has a single storey side addition set forward of the return building line. The subject site on the corner of Stephen Avenue and Gray Gardens does not benefit from the same mitigating factor. The subject junction still benefits from an open aspect with both corner properties set well back from the corners and it is for this reason that the above conclusions have been reached.

### **IMPACT ON AMENITY**

The two storey rear projection to the proposed dwelling and the existing single storey rear addition and proposed first floor extension to the donor property would have a mitigating impact on each other and would not result in an impact on neighbouring amenity.

No impact would result to other neighbouring occupiers due to the corner location. The likely noise and odour resulting from one additional dwelling is not considered to be sufficient to result in a material increase in the background levels of noise and odour.

### **HIGHWAY/PARKING**

Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1.5 to 2 spaces per unit. The proposal provides only two car parking

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spaces for the proposed dwelling and the donor dwelling, which is acceptable to the Highway Authority.

### **SECTION 106**

In the event of an approval, a financial contribution of £6000 per dwelling unit towards the infrastructure costs arising from the development would be required to fulfil the requirements of the Draft Planning Obligations SPD. As the scheme is recommended for refusal, the lack of ability to secure this contribution is given as a separate refusal reason.

### **KEY ISSUES/CONCLUSIONS**

Staff consider that the principle of residential development in this location is suitable, however the site is not considered to be appropriate for a new dwelling. As a result of the layout of the surrounding dwellings, any new dwelling on this site would project forward of the building line of properties on the adjoining street, which would result in a cramped and dominant effect, detrimental to the streetscene. The proposed rear projection in combination with the two storey rear addition to the donor dwelling is considered to result in an excessively wide addition to the detriment of the rear garden environment. The failure to comply with the London Plan's minimum internal space standards suggests that the plot is too small to accommodate a new three bedroom dwelling. Staff therefore consider that the proposal fails to comply with the aims and objectives of the LDF Development Control Policies Development Plan Document and the Residential Design SPD and refusal is recommended accordingly.

### **RECOMMENDATION**

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

#### **1. Reason for refusal - Streetscene**

The proposed development would, by reason of its projection beyond the building line of the properties in Gray Gardens, location within 1m of the footway, width, bulk and mass appear as an unacceptably dominant and visually intrusive feature in the streetscene and rear garden environment harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

#### **2. Refusal non standard Condition**

The proposal, by reason of its failure to achieve the minimum internal space standards for a three bedroom dwelling as set out in Policy 3.5 of the London Plan 2011, is considered to give rise to an unacceptably cramped form of development, detrimental to amenity of future occupiers and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policy 3.5 of the London Plan.

#### **3. Reason for Refusal - Planning Obligation**

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.

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**1 Refusal - No negotiation**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

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# REGULATORY SERVICES COMMITTEE

# REPORT

**Subject Heading:**

**P1498.12: Woolpack Inn and car park,  
Angel Way, Romford.**

**Report Author and contact details:**

**Variation of conditions 7, 9, 24, 25, 38  
and 40 of planning permission  
P0759.11 (application received 10  
December 2012)  
Helen Oakerbee, 01708 432800  
helen.oakerbee@havering.gov.uk**

**Policy context:**

**NPPF  
London Plan  
Local Development Framework  
None**

**Financial summary:**

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

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

## SUMMARY

Planning permission was granted in March 2012 (reference P0759.11) for the redevelopment of this site to build 70 new residential units, as well as to refurbish the former Woolpack public house, including the provision of 4 flats on the upper floors of the building. This application seeks to vary some of the planning conditions forming part of this planning permission. Staff consider that the proposed variations of condition are acceptable and recommend that planning permission be granted. As the original planning permission was subject to a S106 legal agreement, a deed of variation to the original S106 agreement will be required, before planning permission can be issued.

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## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 29 March 2012 in respect of planning permission P0759.11 by varying the definition of Planning Permission which shall mean either planning permission P0759.11 as originally granted or planning permission P1498.12.

The Developer / Owner shall bear the Council's legal costs in respect of the preparation of the deed of variation irrespective of whether or not it is completed.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 29<sup>th</sup> March 2012 will remain unchanged.

That Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of the agreement to 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 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 be carried out in accordance with the following approved plans, particulars and specifications:

MLA-261-P-001; 002, 020; 021; 120 Rev A; 121 Rev A; 122 Rev A; 123 Rev A; 124 Rev A; 125 Rev A; 126 Rev A; 127; 128 Rev A; 130; 300 Rev A; 301 Rev A and 320, other than as amended by the following plan numbers:

R6660-SK450; R6660-SK03 Rev P1; R660-SK400; R6660-SK401 Rev P5

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

3. Car parking - Before any dwellings in the new building 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. Disabled parking - Before dwellings in the new building hereby permitted are first occupied provision shall be made within the site for 7 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate on-site parking is available for the disabled and to comply with the aims of Policy 6.13 of the London Plan .

5. Vehicle Charging Points - Provision shall be made within the development for a minimum of 20% of parking spaces to be fitted with active provision of electric vehicle charging points before the occupation of the development.

Reason: In the interests of sustainable transport and to accord with Policy 6.13 of the London Plan.

6. Materials - Before any external finishes are applied to the building, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of external doors and window frames, railings, balustrades and external stairs/access deck, reconstituted stone surrounds and colour samples for the window reveals and town house entrances, and details of pointing and mortar mix, which are expected to accord with the information within the approved design and access

statement and its addendum. 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.

7. External Bricks – The external bricks to be used within the development shall comprise:

Town Houses – Brunswick Wilton Yellow  
Apartments – Ibstock Surrey Russet  
Entrance to apartment block – White painted render

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.

8. Landscaping – Prior to the first occupation of the development hereby approved, the site shall be landscaped in accordance with a scheme of hard and soft landscaping, to be previously submitted to and approved by the Local Planning Authority. Such scheme shall include full details of the proposed landscaping to the podium area, including the design and height of the proposed raised planters. 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.

9. Children's Play Equipment –The proposed children's play equipment shall be provided on site prior to first occupation of the development, in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority. The play equipment shall be retained thereafter in accordance with the approved details.

Reason: To ensure a satisfactory living environment and to comply with Policies DC20 and DC61 of the LDF, the Residential Design SPD and Policy 3.6 of the London Plan.

10. 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 have previously been approved under condition discharge application reference Q0165.12, or as



otherwise 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.

11. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location according to details which have previously been approved under condition discharge application reference Q0218.12, or as otherwise submitted to and agreed in writing by the Local Planning Authority shall be provided on site 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.

12. Boundary treatment - Prior to the first occupation of the development hereby approved, boundary treatment, shall be erected on site in accordance with details which shall have been previously 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.

13. Secure by Design – The development shall be carried out in accordance with the Secured by Design details submitted to and approved by the Local Planning Authority under condition discharge reference Q0165.12.

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.

14. External lighting – Prior to the first occupation of the development hereby approved, the scheme shall be externally lit in accordance with a scheme for the lighting of external areas of the development, which shall have been previously 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 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.

15. Biodiversity – The development shall be carried out in accordance with the method statement for the implementation of the bat survey and mitigation scheme, as submitted to and approved by the Local Planning Authority under condition discharge reference Q0165.12.

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

16. 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.

17. Wheel washing – The development shall be carried out in accordance with the wheel scrubbing/wash down facilities submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12. 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.

18. Construction methodology – The development shall be carried out in accordance with the Construction Method Statement submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

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

19. Land contamination – The development shall be carried out in accordance with the detailed proposals for dealing with land contamination as submitted to and approved by the Local Planning Authority under condition discharge

reference Q0218.12. The development shall also submit for written approval:

- a) 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.

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

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.

20. Sustainability - 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 Code for Sustainable Homes Level 3 rating has been achieved (the Interim Code Certificate having already been submitted and approved under condition discharge request Q0218.12).

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

21. 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 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.

22. Noise Insulation – Prior to first occupation, the commercial parts of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

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

23. Plant/Machinery – Prior to first occupation of the commercial unit hereby approved, advance notice of which shall be given to the Local Planning Authority, a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10dB. The scheme shall be implemented prior to occupation of the commercial unit and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

24. Noise Protection – Prior to first occupation of the commercial unit hereby approved, advance notice of which shall be given to the Local Planning Authority, a scheme for protecting the proposed dwellings on the upper floors of the converted Woolpack building from noise from any adjacent commercial activities and their associated plant and machinery shall be submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any of the permitted dwellings on the upper floors of the converted Woolpack are first occupied and retained thereafter.

Reason: To prevent noise nuisance to adjoining properties.

25. Extract ventilation - Prior to first occupation of the commercial unit hereby approved, advance notice of which shall be given to the Local Planning Authority, suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be previously submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

26. Noise and Vibration - Before a permitted A3 (café/restaurant use) commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

27. Road noise – The development hereby approved shall be carried out in accordance with the scheme detailing measures, which are to protect occupants from road traffic noise, which has previously been submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

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

28. Restricted Use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the commercial use hereby approved (i.e. on the ground floor of the former Woolpack public house) shall be for uses falling within Classes A1, A2 and A3 of the Order only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

29. Hours of Use - The commercial premises shall not be used for the purposes hereby permitted other than between the hours of 08.00 and 20.00 hours on Mondays to Saturday and 08.00 and 18.00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity.

30. Archaeology - The development shall be carried out in accordance with the archaeological reports submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological evaluation to inform determination of any detailed planning consent.

31. Windows/doors to Woolpack - Prior to the commencement of any works to the former Woolpack public house detailed drawings or samples of materials, as appropriate, in respect of the following, shall be submitted to, and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details:

- a) proposed replacement windows
- b) proposed external doors

Reason: To preserve the character and appearance of this heritage asset and to enhance the Romford Conservation Area and to accord with Policy DC68 of the Development Plan Policies LDF.

32. External brickwork to Woolpack – Prior to commencement of any works to the former Woolpack public house the following shall be undertaken:

- i) a method statement detailing how the existing paint to the external brickwork of the building will be removed, which shall include details of the cleaning system to be used, shall be submitted to and approved in writing by the Local Planning Authority;
- ii) once the method statement has been approved, a patch test shall be carried out on site to assess the condition of the brickwork and the results of this patch test shall be reviewed on site by the Local Planning Authority;
- iii) following the review of the patch test results by the Local Planning Authority, final details of the proposed external elevational treatment, including details of pointing and mortar mix where relevant, shall be submitted to the Local Planning Authority. No work to the former Woolpack building (save for the above mentioned testing) shall be undertaken until the external elevational treatment has been approved in writing by the Local Planning Authority and the work must thereafter be carried out in accordance with the approved details prior to occupation of the development.

Reason: To ensure the character of the building and the Romford Conservation Area is enhanced and to accord with LDF Policy DC68 and the provisions of PPS5.

33. Details of Woolpack external materials – Prior to the commencement of any works to the former Woolpack public house, details/samples of the colour and finish of the proposed external render and samples of proposed external roof tiles, shall be submitted to and approved in writing by the Local Planning Authority and the work must thereafter be carried out in accordance with the approved details.

Reason: To ensure the character of the building and the Romford Conservation Area is enhanced and to accord with LDF Policy DC68 and the provisions of PPS5.

34. External Works to Woolpack - All new work and works of making good to the retained external fabric shall be finished to match the existing original work in respect of the methods used and to material, colour, texture and profile and in the case of brickwork facebond and pointing.

Reason: To preserve the character and appearance of the Listed Building and its setting.

35. Piling Method – The development shall be carried out in accordance with the piling method statement submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

36. Impact on Controlled Waters - If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters.

37. External Materials - Prior to the installation of the external finishes to the building hereby approved, details of the surface treatment to be applied to the proposed white render to the ground floor entrance shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the development has a satisfactory appearance and to comply with Policies DC61, DC63 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document. 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.

38. Anti Graffiti Treatment - Prior to the installation of the boundary treatment to the site, details of the proposed anti-graffiti treatment to be applied to the external boundary walling of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure the development has a satisfactory appearance and to comply with Policies DC61, DC63 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

39. 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 extensions, alterations or other development shall take place under Classes A-E in relation to the 2 no. dwellinghouses within the development (shown on the approved plans as unit nos 5 & 6), 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**

1. The applicant is advised that one additional private fire hydrant will be required by the London Fire Brigade (Water Office). The Fire Brigade is satisfied with the proposals subject to the provision of a dry rising main in the core stairway.
2. If the ground floor of the former Woolpack building is used for A3 purposes the operator should contact the Food Section of the LBH Environmental Health service with detailed proposals regarding a Trade Waste Agreement, a Waste Oil Transfer Agreement, the provision of a grease trap and details of ventilation and extraction.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
4. 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.
5. In aiming to satisfy condition 13 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.



6. The development of this site is likely to damage archaeological remains. An archaeological field evaluation will establish the extent and significance of any surviving remains and enable the mitigation of the impact of the development to be planned as part of detailed planning consent.

7. The applicant is advised that the consent of Thames Water will be required for discharge to a public sewer. A trade effluent consent will be required for any effluent discharge other than a domestic discharge. The use of a fat trap is recommended for all catering establishments. The applicant is advised to contact Thames Water direct.

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

9. 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.

#### 8. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP4, CP9, CP10, CP15, CP17, CP18, DC2, DC3, DC6, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC66, DC67, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document. The proposal is considered to accord with Policy DC6 as the amount of affordable housing provision has been justified through the submission of a viability appraisal (with planning application P0759.11), which has been independently tested and found to be sound.

The proposal is also considered to accord with the Romford Area Action Plan SPD, specifically policies ROM4, ROM6, ROM8, ROM9, ROM14, ROM15, ROM17 and ROM20. The proposal does not fully comply with Policy ROM19 as the building is more than 6 storeys high and not in one of the specified locations for a taller building. However, the height of the building is considered to be justified and the development to be of suitably high architectural quality.

In addition, the development is considered to comply with the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Heritage SPD and Sustainable Design and Construction SPD are material considerations.

The development is considered to accord with the provisions of the National Planning Policy Framework, as well as Policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 6.14, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 and 8.2 of the London Plan. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought.

#### Planning Obligations

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

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site has an area of 0.27 hectares and is located on the south-western side of Angel Way. The site comprises a surface level car park, which provides 41 parking spaces for disabled users, comprising 27 'over-sized' spaces and 14 standard size parking bays, together with a former nightclub building (Secrets nightclub), which has recently been demolished and the former Woolpack Public House, which is a late nineteenth century building situated at the junction of Angel Way and High Street. The south-eastern part of the site is within the Romford Conservation Area and includes the majority of the Woolpack building. The site lies within the boundaries of Romford Town Centre.
- 1.2 Planning permission was granted in March 2012 for redevelopment of the site under application reference P0759.11. Works have commenced on the site with construction of the new residential building underway.
- 1.3 The site is adjoined to its south-eastern boundary by a two-storey Salvation Army building, which is used for worship and community activities. To the immediate south of the site is Headley Close, where there is a three storey community building, which provides youth facilities and short-stay residential accommodation. The amenity area to the rear of this building directly adjoins the southern-most boundary of the application site.
- 1.4 Directly opposite the site, in Angel Way, is a multi-storey car park. To the north-west of the car park is the Trinity Methodist Church. The church has a small car park to its southern side, at the end of Angel Way, which adjoins the application site. Within High Street, development is principally three or four storeys and predominantly comprises commercial units at ground floor with residential above. Romford Museum is also situated in High Street. On its western side the site has a return frontage on to St. Edwards Way.

## 2. Description of Proposal

2.1 Planning permission has previously been given for redevelopment of this site consisting of the retention and refurbishment of the former Woolpack public house, together with the erection of a new residential building, ranging between 3 and 8 storeys high. This application seeks variation of a number of the planning conditions forming part of this planning permission. These conditions and the proposed changes sought are as follows:

2.2 **Condition 7: External Bricks** – The external bricks to be used within the development shall be as set out in the submitted Planning Amendments Addendum dated October 2011 (page 12) and shall comprise:

Town Houses – Ibstock Birtly Old English Buff

Apartments – Ibstock Birtly Millhouse Blend

Entrance to apartment block – Ibstock Oyster White

The application seeks variation of this condition to enable the use of alternative external bricks, specified in the application as Ibstock Surrey Russet and Brunswick Wilton Yellow. Also, the white brick to the entrance of the apartment blocks would now be replaced with white render.

2.3 **Condition 9: Living Wall** – Prior to the commencement of the development full details of the proposed 'living wall' shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a specification for the construction, planting and on-going maintenance and management of the wall. The development shall then be carried out in accordance with the agreed details.

The application seeks removal of this condition as it is no longer intended to construct a living wall (this was proposed to the elevation fronting on to St. Edward's Way). It is proposed to replace the living wall element of the development with soft landscaping of the site frontage to St. Edward's Way, details of which would be formally submitted under a condition discharge request for condition 8 (landscaping).

2.4 **Condition 24: Plant/Machinery** - Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The application seeks a variation of this condition so that details of the noise scheme does not need to be submitted until an occupier has been found for the unit.

2.5 **Condition 25: Noise Protection** - Before any development is commenced, a scheme for protecting the proposed dwellings on the upper floors of the

converted Woolpack building from noise from any adjacent commercial activities and their associated plant and machinery shall be submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any of the permitted dwellings is occupied and retained thereafter.

The application seeks a variation of this condition so that details of the noise protection scheme does not need to be submitted until an occupier has been found for the unit.

- 2.6 **Condition 38: Treatment of white brick** - Prior to the commencement of works on the new building hereby permitted details of the proposed surface treatment to be applied to the proposed entrance brick Ibstock Oyster White shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

The application seeks a variation of this condition to enable the use of white render to the ground floor entrance rather than the white brick originally stipulated.

- 2.7 **Condition 40: Enclosure to Play Area** - Prior to the commencement of works on the new building hereby permitted, details of a means of enclosure to the proposed children's play area shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a programme for the ongoing maintenance of the enclosure. The enclosure shall be provided before the first occupation of the new residential building and permanently retained and maintained thereafter in accordance with the approved details.

The application seeks removal of this condition as the design of the landscaped podium area has evolved since the original permission and the provision of an enclosure around the children's play area is not considered compatible with the layout in terms of design or practicality.

### 3. Relevant History

- 3.1 P0759.11 Change of Use of ground floor of No48 High Street to retail/financial and professional services/restaurant or cafe use (classes A1/A2/A3) and the conversion of the upper floors of this building to 4 no. dwellings; the erection of a part3/5/6/8 storey building to provide 70 No.dwellings, together with associated landscaping. amenity space, car and cycle parking – approved.

### 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 88 addresses. No letters of representation have been received.

## **5. Relevant Policies**

5.1 The National Planning Policy Framework (NPPF) is a material planning consideration, specifically Sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment).

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (childrens 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), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

5.3 Policies CP1, CP2, CP4, CP9, CP10, CP15, CP17, CP18, DC2, DC3, DC6, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC66, DC67, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

The Romford Area Action Plan SPD is a material consideration, specifically policies ROM4, ROM6, ROM8, ROM9, ROM14, ROM15, ROM17, ROM19 and ROM20.

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

## **6. Staff Comments**

6.1 The issues arising from this application are the impact of the proposed variations/removal of conditions on the quality of the character and appearance of the development, on the appearance of the surrounding area and local amenity. The implications arising from the variations proposed to each of the individual conditions subject of this application are addressed in turn below:

## **6.2 Planning Condition 7: External Bricks**

- 6.2.1 The existing planning condition specifically identifies the external brick to be used in the construction of the development. The application seeks a variation of the condition to enable the use of alternative bricks. Samples of the bricks now proposed, Ibstock Surrey Russet and Brunswick Wilton Yellow, have been submitted.
- 6.2.2 The alternative brick materials proposed were discussed with planning staff and the Council's heritage officer prior to submission and agreed as suitable in principle. The proposed materials continue the design concept of the original development and are considered to maintain the integrity of the original design and be in keeping with the character of the surrounding area, including the Romford Conservation Area. Staff therefore recommend that this planning condition be varied to allow the use of alternative brick.

## **6.3 Planning Condition 9: Living Wall**

- 6.3.1 The original design concept for the development included a 'living wall' to the ground floor of the building fronting on to St. Edward's Way. A living wall is a design system that allows for walls to be entirely covered by irrigated living plants. This was an element of the development that the original scheme architects incorporated into the scheme. At the time the original application was considered, planning staff discussed concerns regarding the difficulty in achieving a successful living wall and the cost and maintenance issues this would create. However, the architects were insistent at the time that this remain within the scheme, hence the imposition of a planning condition requiring further details.
- 6.3.2 The applicants have now advised that they do not wish to proceed with the living wall element of the proposals, in view of the high costs associated with this and the difficulty in maintaining this long term. Good maintenance is essential if such a system is to work and Staff consider that, if there is no guarantee the living wall will be sufficiently high quality and well maintained it would be better, in the long run, to find an alternative way of managing the visual impact of the development in St. Edward's Way.
- 6.3.3 Discussions have taken place between planning staff, including the Council's tree officer, and the applicants, regarding alternative ways in which the St. Edward's Way frontage could be landscaped but still have a high quality visual appearance and it is considered that this could be achieved. A planting schedule of Photinia Red Robin has been suggested. This is considered to be appropriate in principle, as it would mature to provide a suitable hedge. Members should note however that the landscaping would not screen the external walls of the building but would soften the verge area between the elevation of the building to St. Edward's Way and the public footway. The landscaping also would not provide an instant hedge but would take some time to mature. However, this would equally be the case if a living wall were used and Staff consider, on balance, there is a stronger likelihood that the proposed landscaping would provide a

better finish to the development in the long run than the originally proposed living wall, given the issues raised regarding cost and maintenance.

- 6.3.4 Final details of alternative landscaping proposals are yet to be submitted, for example number of plants, size on planting etc. but Staff consider this could be secured under the existing landscaping condition (condition 8). Given the difficulty of securing a living wall of suitably high quality, which does bring with it high build costs, and maintaining it long term, Staff consider it reasonable to accept an alternative proposal that will bring greater assurance of a suitably high quality visual environment to the St. Edward's Way frontage. It is therefore recommended that this condition be removed.

#### **6.4 Condition 24: Plant and Machinery**

- 6.4.1 This condition requires a scheme for new plant and machinery to be submitted to the Council to achieve a noise standard which ensures a suitable degree of amenity for the nearest residential properties.
- 6.4.2 The applicants have asked to vary the point in the works at which the scheme needs to be submitted. The reason for this is that any new plant or machinery would be associated with an end user of the proposed ground floor commercial unit (within the former Woolpack building, which can be changed to an A1-A3 use class under the existing permission). The nature of any plant or machinery to be used would not be known until the occupier of the premises and the nature of the use is known. The application therefore requests that the condition does not 'bite' until "prior to first commercial occupation". Staff consider this to be a reasonable request and recommend that the condition be varied as requested.

#### **6.5 Condition 25: Noise Protection**

- 6.5.1 This condition relates to protection of the proposed upper floor flats within the former Woolpack building from noise arising from future commercial use of the ground floor.
- 6.5.2 As with condition 24 above, variation of the condition is requested so that a scheme of noise protection needs to be submitted prior to occupation of the commercial unit, rather than prior to commencement of the development (as currently worded), on the basis that until a commercial occupier is found the details of likely noise and required equipment cannot be known. Staff consider this to be a reasonable request and recommend that the condition be varied as requested.

#### **6.6 Condition 38: External materials**

- 6.6.1 The approved development included an element of white brickwork to the ground floor entrance of the new flats. These materials were secured through condition 7 but there was also a further condition (condition 38 on the original approval) that required details of a surface treatment to be applied to these bricks. This condition was imposed as Staff wanted to

ensure that the white brickwork would not be prone to graffiti. A surface treatment was suggested to deal with this issue but Staff wanted to see how this would affect the surface finish of the brick.

- 6.6.2 The application requests a variation of this condition as it is now proposed to use a render finish in place of the originally proposed white brick. Visually, Staff have no objection to the proposed alternative material but suggest that the condition be revised so that details of proposed anti-graffiti treatment to the rendered section can be required to be submitted for agreement.

## **6.7 Condition 40: Enclosure to Play Area**

- 6.7.1 This condition was specifically imposed at the request of Members of the committee. The application requests that this condition be removed as the design of the play area, and the landscaped podium within which it is situated, has evolved since Members originally considered the proposals.
- 6.7.2 The landscaped podium and play area is the only outdoor amenity space within the development. The area of the podium is constrained and the amenity space it provides needs to be designed carefully so as to maximise its usefulness as a communal amenity area for the residents of the development but also to ensure it does not adversely affect the privacy or amenity of residents.
- 6.7.3 If the play area were enclosed by fencing, as required by the condition, this limits the overall quality of the layout of the amenity area and reduces its usability. A scheme has been designed which gives privacy to occupiers of the ground floor units and includes a play area, laid out as a playable landscape, which contributes to the overall character of the amenity deck. It should be noted that details of the actual play equipment to be provided are subject to a separate planning condition. Although Staff are happy with the layout of the decked area the quality of the play equipment could be improved and, notwithstanding the details shown on the submitted plan, Staff will require details of the actual equipment to be submitted and approved separately.
- 6.7.4 If the play area were enclosed the design quality of the amenity podium would be lessened and the safety of children using the play area potentially reduced, as an open playable landscape enables better visibility for parents to observe their children. It is not considered a fenced play area contributes to safety in this case as the amenity area is already enclosed by the confines of the new flats and would only be accessible to residents of the development. Staff therefore consider that removal of this condition would be to the benefit of the character and quality of the development, and the safety and amenity of residents. It is therefore recommended that this condition be removed.



**7. Conclusion**

7.1 The proposal seeks removal or variation of some of the planning conditions forming part of planning permission P0759.11. For the reasons given above, Staff consider the proposal to be acceptable, subject to the prior completion of a deed of variation of the legal agreement forming part of P0759.11, and recommend that planning permission be granted.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None arising from this application

**Legal implications and risks:**

Legal resources will be required for the completion of the Deed of Variation.

**Human Resources implications and risks:**

None arising from this application

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equalities legislation. The variation of conditions proposed have regard to the quality of the living environment that will be created for all future occupiers of this development, which comprises a large proportion of affordable housing.

**BACKGROUND PAPERS**

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