



## REGULATORY SERVICES COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 25 April 2013</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 11: Quorum 4

**COUNCILLORS:**

**Conservative Group  
( 7 )**

**Residents' Group  
( 2 )**

**Labour Group  
( 1 )**

**Independent  
Residents'  
Group  
( 1 )**

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

Linda Hawthorn  
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:  
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## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF PECUNIARY INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 20)**

To approve as a correct record the minutes of the meetings of the Committee held on 21 February, 7 and 14 March, and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 21 - 42)**

**6 P0030.13 - WHITEHOUSE KENNELS, ST MARY'S LANE, UPMINSTER** (Pages 43 - 60)

Change of use of the existing site to a Holiday Park. Demolition of the existing kennels to facilitate the erection of six chalets alongside the conversion of three existing buildings to holiday let units. Provision for off-street parking for 12 vehicles, soft landscaping and refuse facilities

**7 P0173.13 - LAND SOUTH OF HAROLD HILL HEALTH CENTRE, GOOSHAYS DRIVE, HAROLD HILL** (Pages 61 - 70)

Creation of a car park containing 21 spaces, landscaping and associated works to adjoining paths (application received 19 February 2013; revised plans received 27 March 2013)

**8 P1813.13 - FORMER SOMERFIELD DEPOT, NEW ROAD, RAINHAM**

Demolition of existing buildings and comprehensive development of the site comprising 170 sqm commercial floorspace within B1, retail and/or food and drink uses (A1, A2, A3, A4 & A5) and 497 no. 1, 2, 3, 4 and 5 bedroom residential units (C3) plus associated energy centre, car and cycle parking, landscape, public, communal and private amenity space. (Date received 27/01/12, revised plans, documents and description received 5/10/12) - **Report to follow**

**9 P1155.12 - 64 WINGLETYE LANE, HORNCHURCH** (Pages 71 - 84)

Conversion of six bedroom house to 4 one bedroom flats, external alterations, demolition of conservatory and part of single storey side extension

**10 APPLICATION FOR THE STOPPING UP (UNDER SECTION 247 OF THE TOWN AND COUNTRY PLANNING ACT 1990) OF HIGHWAY LAND COMPRISING PART OF THE SERVICE ROAD OVER THE LIBERTY CENTRE IN THE AREA ZEBRA HATCHED ON THE PLAN ANNEXED TO THIS REPORT** (Pages 85 - 92)

**11 PROPOSED VARIATION OF SECTION 106 AGREEMENT DATED 28TH MARCH 2012 IN CONNECTION WITH PLANNING PERMISSION P0759.11 FORMER WOOLPACK PUBLIC HOUSE AND CAR PARK, ANGEL WAY, ROMFORD** (Pages 93 - 120)

Change of use of ground floor of no.48 High Street to retail/financial and professional services/restaurant or café use (classes A1/A2/A3) and the conversion of the upper floors of this building to 4 no. dwellings; the erection of a part 3/5/6/8 storey building to provide 70 no. dwellings, together with associated landscaping, amenity space, car and cycle parking.

The development proposed 6 units of affordable rented housing, which would be the three and four bed units within the development. The requested Deed of Variation would provide 100% affordable units split between 41 dwellings for Affordable Rent in partnership with a Registered Social Landlord and 33 Shared Ownership Units

**12 URGENT BUSINESS**

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

**Ian Burns  
Acting Assistant Chief Executive**

# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
21 February 2013 (7.30 - 10.45 pm)**

**Present:**

**COUNCILLORS:** 11

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

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents Group** David Durant

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

+Substitute members: Steven Kelly (for Sandra Binion) and David Durant (for Mark Logan)

Councillors Georgina Galpin, Lesley Kelly, Osman Dervish, Linda Trew, Frederick Thompson, John Mylod and John Wood were also present for parts of the meeting.

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

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

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

## 156 **MINUTES**

The minutes of the meetings held on 13 December 2012 and 10 January 2013 were agreed as correct records and signed by the Chairman.

157 **P1513.12 - SUITE 1, GROUND FLOOR, CROWN HOUSE, 40 NORTH STREET, HORNCHURCH**

The report before members detailed an application for a change of use from office use (B1) to a tuition centre (D1).

Members noted that Councillor Georgina Galpin had requested that the proposal be put before the Committee on the grounds that the proposed change of use, given the size of the proposed premises and the proposed opening hours could be utilised for uses other than what was applied for and could have an impact on neighbouring amenity.

With its agreement Councillors Galpin, John Mylod and John Wood addressed the Committee.

Councillor Galpin commented that the application had been misleading and that the hours applied for were excessive and that use should be restricted to (D1) use. Councillor Galpin sought clarification from the Legal Advisor as to the scope of members' call-in and advice was provided on the scope of members call-in powers.

Councillor Mylod commented that the tutorial centre only taught academic subjects to pupils from reception age to nineteen years of age. Councillor Mylod also advised that all the teachers were vetted by the Council and that the pupils were taught in a ratio of one teacher to four pupils. Councillor Mylod advised that he supported the application.

Councillor Wood advised that he had met with the applicant and it had been confirmed that the centre would only be used for teaching academic subjects. Councillor Wood also advised that the landlord of the property would monitor the property's use. Councillor Wood also advised that the tuition centre was accredited by OFSTED and was regularly monitored.

During the debate a member of the Committee advised that he had visited the centre and believed it to be an asset to the educational needs of children in the borough.

Members discussed the hours applied for, and following a question regarding the length of the hours applied for were advised by officers that the centre could offer adult teaching classes in the future. Members also made note of the fact that Hornchurch library situated next door to the application site did not close until 10pm.

Members also defended the call in of the application commenting that the call in had made the application better and clearer for members to understand.

It was **RESOLVED** that planning permission be granted subject to a correction to the description of the proposal to state use part of ground floor.

158 **P1210.12 - 59, 61 63-66, 68 AND 70 WARWICK ROAD**

The report before members detailed a planning application for the demolition of existing industrial buildings and a residential development of 16 residential units comprising 12 houses and 4 flats with a new road access and associated landscaping.

Officers advised that numbers 60-71 Warwick Road had been the subject of previous enforcement action which had been upheld at appeal.

Members noted that ten letters of representation had been received.

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

During the debate members questioned the reasons why previous refusals of planning permission had been refused and what enforcement action had been taken.

Members also discussed the density that further residential properties and additional car parking would place on Warwick Road as it was a particularly narrow road. . Members were advised of a correction to the description of the proposal by deleting reference to "69" on the front page of the report under Subject Heading. Members were also updated on an omission from the Relevant History section of the report on page 64 which should have included reference to an enforcement notice being served on 60-71 Warwick Road which was recently upheld at appeal.

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

- A financial contribution of £96,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

To pay the Council's reasonable legal costs in association with the preparation of a legal agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- Payment of the appropriate planning obligation/s monitoring fee.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, and that the Committee delegate authority to the Head of Development and Building Control to grant planning permission subject to the conditions set out in the report along with two

further conditions relating to details of site levels and the scheme demonstrating an allocation of car parking spaces to nominated properties within the development and also the amendment of condition 3 to insert the word “parking” before “provision”.

The vote for the resolution was carried by 10 votes to 1.

Councillor Durant voted against the resolution to grant planning permission.

159 **P1480.12 - LAND TO THE REAR OF 179 CROSS ROAD, ROMFORD**

The planning application before members proposed the demolition of an existing dwelling and the erection of a two storey block of six apartments, to include accommodation in the roof space, on land to the rear of 179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage, and bin refuse/recycling storage.

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

Members noted that the site was located in a flood risk area that had been categorised as Flood Zone 1, however the Environment Agency had raised no objection to the scheme.

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

With its agreement, Councillors Osman Dervish and Linda Trew addressed the Committee.

Councillor Dervish commented that the site was very close to a balancing lake and that the issue of overlooking neighbouring properties needed to be addressed. Councillor Dervish also questioned whether there would be sufficient space on the site to be able to turn a car around.

Councillor Trew commented that the erection of the flats would be detrimental to the amenity of neighbouring properties and that the issue of overlooking was significant. Councillor Trew also made mention of the possibility of flooding to the site.

During the debate members discussed the issue of overlooking and the detriment to the amenity of neighbouring properties.

The report recommended that planning permission be granted, however following a motion to refuse which was carried 5 votes for refusal, 5 votes against and 1 abstention, by the Chairman casting his vote in favour of the motion to refuse. It was **RESOLVED** that planning permission be refused on the grounds of excessive bulk and intrusive impact in the rear garden scene and outlook and amenity of neighbouring properties, harmful degree of noise and vehicular disturbance caused by traffic using the proposed



access road and by reason of scale and bulk and causing a harmful impact on the setting of adjacent Green Belt land.

The vote for the resolution was 5 votes for and 5 votes against with 1 abstention. The Chairman's casting vote carried the resolution.

Councillors Oddy, Hawthorn, Ower, McGeary and Durant voted for the resolution to refuse planning permission. Councillors Brace, Kelly, Misir, Osborne and Pain voted against the resolution to refuse planning permission. Councillor Tebbutt abstained from voting.

160 **P1070.12 - 37-39 MANOR ROAD, ROMFORD**

The report before members related to the demolition of an existing office building and the erection of a block of 42 flats on 5/6-storeys with parking and amenity space.

Members were advised that there were several amendments to the conditions contained in the report.

Condition 6 was no longer required as the application related to the construction of flats rather than dwelling-houses

The precise wording of Condition 21 in respect of obscure glazing of windows in the flank elevations was to be delegated to the Head of Development and Building Control.

Condition 24 was to be deleted as it was a repeat of condition 9.

Officers advised that reference to 100% of the units to be affordable housing to be replaced by 50% of dwelling units to be affordable housing.

Members noted that 4 late letters of representation had been received.

Officers advised that there were two additional conditions to be added to the report relating to CCTV and lighting to the underground parking area.

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

With its agreement Councillors Andrew Curtin and Frederick Thompson addressed the Committee.

Councillor Curtin commented that the proposal for a six storey building was unacceptable and that the design led to a lack of amenity space and would be detrimental to neighbouring properties.

Councillor Thompson commented that the proposal was to be built on higher ground than neighbouring properties and would lead to issues of

overlooking. Councillor Thompson suggested that the proposal should be rejected on the grounds of bulk and mass as it was not in keeping with the local street scene.

During the debate members discussed the bulk and mass of the proposal and its effect on the street scene.

The report recommended that planning permission be granted, however following a motion to refuse it was **RESOLVED** that planning permission be refused on the grounds of excessive height, scale and obtrusive bulk that would be harmful to visual amenity and the character of surroundings.

The proposal would also be obtrusive and have an oppressive impact on the rear garden scene and outlook from neighbouring properties harmful to residential amenity.

The proposal would also create excessive levels of additional traffic activity that was harmful to the amenity of the nearby resident's living conditions.

The design of the development including form, external appearance and layout was insufficient to justify the excessively high density proposed in the location in accordance with planning principle (DC2).

The votes for the motion to refuse and the resolution were both passed by 6 votes to 5.

Councillors Oddy, Misir, Hawthorn, Ower, McGeary and Durant voted for the motion and resolution to refuse planning permission.

Councillors Tebbutt, Brace, Kelly, Osborne and Pain voted against the motion and resolution to refuse planning permission.

161 **P1534.12 - FORMER AMBERLEY HOUSE, NEW ROAD, RAINHAM**

The report before members detailed an application that proposed the erection of 51 dwelling units. The proposal would include parking spaces, private and communal amenity spaces, cycle storage, vehicle access, hard and soft landscaping, bin refuse/recycling storage, a pumping station, and associated works.

Members noted that two late letters of representation had been received, one from the London Fire and Emergency Planning Authority and one from Savills on behalf of Havering College.

During the debate members discussed the ownership of the site and the possibility of odours emanating from the Riverside Sewage Works. Advice was given to members with respect to their duties as decision makers pursuant to Circular 04/2000. The HSE consultation process was explained. Reference was made to reports on other applications in the area falling within the Consultation Zones for the pipelines.

Members noted that a Mayoral CIL contribution of £115,380 was liable for the proposed development and **RESOLVED** subject to no contrary direction pursuant to the objection of the Health and Safety Executive resulting in the application being called in for determination by the Secretary of State within the consultation period that the proposal was unacceptable as it stood but would be acceptable subject to

- a) the prior completion of a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:
- The sum of £229,500 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
  - The delivery of a minimum of 50% of the residential units as affordable housing units for affordable rent;
  - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
  - The Council's reasonable legal fees for shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
  - The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

And Provided That no objections being received from the owners of the land following the service of notice in the local press, that Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out in the report and to include the following, amendment to conditions, additional conditions and Heads of terms;

Affordable housing to be a minimum of 50% for affordable rent.(Head of Terms Section 106).

Condition 4 – at point 5) add the wording - to the extent that they are not the statutory responsibility of the drainage authority Condition 16 – Mayor's play space guidance reference to new SPG – Shaping Neighbourhoods Play and Informal Recreation SPG dated 25th September 2012 in Reason .

Condition 28 – Reference to PPG24 in the Reason to Condition 28 to be replaced by reference to NPPF.

- a Additional condition covering details of foundations design and piling to be submitted and approved prior to commencement.

.Additional condition or amendment to condition to require that the width of the internal access road met LFEPa requirements.

**Subject to:-**  
**Recommendation B**

In the event that the Section 106 agreement is not signed and completed by the 15<sup>th</sup> March 2013 that authority be delegated to Head of Development and Building Control to decide whether planning permission should be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing and for meeting the necessary infrastructure costs arising from the development.

162 **P1268.11 - ENTERPRISE HOUSE, 34 FARINGDON AVENUE, HAROLD HILL**

The report before members detailed an application for planning permission which was sought for a change of use from B8 (storage and distribution with ancillary offices) to A1 (retail with ancillary offices).

The application was deferred from the meeting held on 3 November 2011 in order for a number of questions to be addressed. Since then, the application had been revised by removing part of the building that covers the loading area and reducing the overall proposed retail floor area from 2810m<sup>2</sup> to 2435 m<sup>2</sup>.

With its agreement, Councillor Lesley Kelly addressed the Committee.

Councillor Kelly commented that the building had been empty for some time and even extensive marketing to find a new owner had proved fruitless.

Councillor Kelly also commented that the reasons for refusal contained in the report were negligible and the site had good transport links to the town centre and would provide employment opportunities for local residents.

During the debate members discussed the possible employment opportunities and possible restrictions on what goods could be sold from the premises.

Members also discussed neighbouring sites and the exceptional factors that benefitted the site from being placed back into use.

The report recommended that planning permission be refused, however following a motion to grant planning permission on the grounds that members identified exceptional circumstances in the balance of policy with material considerations, with approval justified on grounds that the proposal addressed a vacant eyesore located on a prominent thoroughfare, employment job creation and no adverse amenity, parking, traffic or other environmental impacts it was **RESOLVED** that planning permission be granted subject to conditions with delegated authority to the Head of Development and Building Control to settle the precise wording covering;

- Time limit.
- A parking scheme.
- Accordance with plans.
- Cycle storage.
- No sub-division into smaller units.
- Waste storage and collection.
- Lighting of car park (time restricted to coincide with approved opening hours).
- Travel plan.
- Opening hours Monday to Fridays 7am to 8pm, Saturday 8am to 6pm and Sundays 10am to 4pm.

The Reason for approval was based on Members identifying exceptional circumstances in the balance of policy, though contrary to policy, with material considerations, with approval justified on grounds that the proposal addresses a vacant eyesore located on a prominent thoroughfare, potential employment/job creation and no adverse amenity, parking, traffic or other environmental impacts.

The vote for resolution was carried by 10 votes to 1.

Councillor Durant voted against the resolution to grant planning permission.

163 **P1571.12 - THE THATCH, BROXHILL ROAD, HAVERING ATTE BOWER, ROMFORD**

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

164 **CHIPPENHAM GARDENS STOPPING UP ORDER**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the processing of the

stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the plan as the land was required to enable development for which the Council had granted planning permission under planning reference P1279.12 to be carried out to completion.
- 2.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.
- 2.4 In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
7 March 2013 (7.30 - 8.00 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),  
Sandra Binion, Jeffrey Brace, Robby Misir,  
Frederick Osborne and +Pam Light

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents Group** +Michael Deon Burton

Apologies were received for the absence of Councillors Garry Pain and Mark Logan.

+Substitute members Councillors Pam Light (for Garry Pain) and Michael Deon Burton (for Mark Logan)

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

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

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

**165 P1080.12 - 39 WOOD LANE**

The report before members detailed an application for the retention of an infill extension of the existing patients' entrance, the relocation of the patients' entrance with a front canopy and a single storey rear extension with external alterations.

The application had previously been brought before the Committee on the 30 November 2012. At that meeting staff had requested a deferral of the application to allow members to visit the site.

Planning permission had previously been granted for the proposal, although the single storey rear extension had not been built in accordance with the approved plans.

The approved plans showed the extension to have a maximum and minimum height of 2.75 metres and 2.41 metres respectively however the extension had been built with a sloped roof that varied in height from 3.06 to 2.975 metres.

During the debate members discussed the effect of the extension, as built, on neighbouring properties and the rear garden environment.

The report recommended that planning permission be refused, however following a motion to grant planning permission it was **RESOLVED** that planning permission be granted on the grounds that the additional height would have no materially different impact on amenity compared with the scheme which already had been granted planning permission.

The vote for the resolution to grant planning permission was carried by 8 votes to 2 with 1 abstention.

Councillors McGeary and Deon Burton voted against the resolution to grant planning permission.

Councillor Light abstained from voting.

166 **P1536.12 - 30 STATION ROAD, UPMINSTER**

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

167 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

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

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



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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 10 November 2012 and 8 February 2013.

The report detailed that 29 new appeals had been received since the last meeting of the Monitoring Committee in December 2012.

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

169 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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

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

170 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

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

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 10 November 2012 and 8 February 2012.

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

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**Chairman**

# Public Document Pack

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
14 March 2013 (7.30 - 9.45 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),  
Sandra Binion, Jeffrey Brace, Frederick Osborne,  
Garry Pain and +Steven Kelly

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents  
Group** +David Durant

Apologies were received for the absence of Councillors Robby Misir and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Robby Misir) and Councillor David Durant (for Mark Logan)

Councillors Rebecca Bennett, Damian White and Linda Van den Hende were also present for parts of the meeting.

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

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

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

## 172 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Sandra Binion declared a non-pecuniary personal interest in item A0002.13 – 63 Pettits Lane. Councillor Binion advised that she knew of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.

Councillor Steven Kelly declared a non-pecuniary personal interest in item P0558.12 – Land to the west of Fairview Industrial Park, Rainham. Councillor Kelly advised that he was a Local Authority Representative on

the Board of ELWA. Councillor Kelly left the room during the discussion and took no part in the voting.

173 **MINUTES**

The minutes of the meeting held on 31 January 2013 were agreed as a correct record, subject to the following additional comment, and signed by the Chairman.

Minute 146 for Former Boyd Hall, St Mary's Lane, Upminster will include the observation that of approximately 34 trees the subject of a Tree Preservation Order approximately 32 of the trees were either dead, dying or inferior.

174 **P0986.12 - 90 RAINHAM ROAD, RAINHAM**

The report before members detailed an application for the erection of a smoking shelter.

The application had been brought before the Committee on 31 January 2013 and was deferred to allow further information to be gathered.

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

With its agreement Councillor Rebecca Bennett addressed the Committee.

Councillor Bennett commented that she had visited the site again and disagreed with the officers' report. Councillor Bennett stated that by having the barrier around the shelter this would alleviate the problem of overlooking on neighbouring properties. Councillor Bennett suggested that the shelter could be used between 18.30 hours and 22.30 hours Monday to Saturday with no use on a Sunday.

During the debate members asked whether the applicant had applied for a certificate of lawfulness for the premises in particular in respect of a shed structure or was aware of the fact that he could make such an application. Members also discussed the issue of possible overlooking.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried with 9 votes for and 2 abstentions it was **RESOLVED** that planning permission be granted subject to conditions (the precise wording of which to be delegated to the Head of Development and Building Control to cover the hours of use of the shelter, boundary treatment around the perimeter of the roof and a lighting scheme be included.

The Reason for Approval based on the reasoning of members in balancing policy in particular Policy DC61 against all other material considerations was

that planning conditions covering hours of use of the shelter, boundary treatment around the perimeter of the roof and a lighting scheme could mediate any significant adverse impacts the proposed development might otherwise have on amenity.

The vote for the motion to approve and resolution were both carried by 9 votes to 0 with 2 abstentions.

Councillors Brace and Durant abstained from voting.

175 **P1501.12 - TOWERS INFANTS SCHOOL, OSBORNE ROAD, HORNCHURCH**

This application had been brought before members as the application site was Council owned. The application sought full planning permission for a single storey extension with three classrooms and hard standing play areas and an extension to the car park.

With its agreement Councillor Damian White addressed the Committee.

Councillor White commented that although he agreed there was a need for extra school places in the borough, an overwhelming number of local residents were opposed to the expansion of the school. The main reason for the opposition was the extra vehicular movements that the proposal would attract with parents dropping off and picking up children from the school. Councillor White asked that consideration be given to include extra conditions covering speed limits, speed humps and dedicated drop off points.

During the debate members discussed condition 4 regarding parking restrictions and it was unanimously agreed that the review of parking restrictions should come into place with immediate effect and that a school travel plan be introduced.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an amendment to condition 4 that the review of parking restrictions which was to take place within 18 months of the development being brought into use should take place immediately on the development coming into use and to include additional conditions covering times of construction and a construction method statement. The precise wording of the additional condition to be settled under delegated authority by the Head of Development and Building Control.

176 **A0002.13 - 63 PETTITS LANE, ROMFORD**

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

*As stated at the beginning of the minutes Councillor Sandra Binion declared a personal interest in application A0002.13. Councillor Binion advised that she knew of the applicant. Councillor Binion left the room during the discussion and took no part in the voting.*

177 **P0030.13 - WHITEHOUSE KENNELS, ST MARY'S LANE, UPMINSTER**

The report before members detailed an application proposing the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park, comprising 9 accommodation units, along with associated landscaping, surfacing, and other works.

Members were advised that the first bullet point on page 96 of the agenda was to be deleted and replaced with the following:

- That the proposed holiday accommodation comprising 9 units to be used solely as holiday lets and for no other purpose and that the seasonal occupation as holiday lettings be restricted to 10 months in any calendar year, the precise dates of the restrictions to be agreed or in default of agreement be set by the Council.
- That the applicant/owner of the application site agreed that on the issue of the Decision Notice pursuant to the Planning Application (Reference P0030.13) the following certificates of Existing Lawful Use or Development (certificates) granted under Section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted use of accommodation units existing on site for unrestricted residential use. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:

1. Certificate reference E0014.00 issued on 29 August 2002
2. Certificate reference E0012.11 issued on 6 March 2012
3. Certificate reference E0022.12 issued on 8 March 2013

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

With its agreement, Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that the application site was on Green Belt land the proposal was detrimental to the adjacent occupiers. Councillor Van den Hende also commented that cars and children's play areas would be detrimental to noise levels. Councillor Van den Hende advised that the proposed change of use from a cattery/kennels to a holiday park would be visually intrusive and asked that that the Committee considered refusing planning permission.

During the debate mention was made of a possible condition or planning obligation that if the cattery/kennels were removed then the land had to be returned to the Green Belt and could not be built on.

Following a brief adjournment to check the files taken to committee for evidence of such a condition or planning obligation, it was **AGREED** that the application be deferred to enable the planning history to be checked pursuant to the assertion that there may exist a condition or planning obligation attached to the site which requires the removal of all the structures should the cattery/kennels use ever cease and the return of the land to open land within the Green Belt.

178 **P0071.13 - UPMINSTER CEMETERY**

The Committee considered the report and without debate **RESOLVED** that subject to no contrary direction by the Secretary of State exercising powers to call-in the application following the notification of the application to Secretary of State that the proposal be granted planning permission subject to the conditions as set out in the report, and amendment to conditions 4, 6 and 7 to reflect phasing and drawing numbers, on expiry of a period of 21 days beginning with the date which the Secretary of State told the authority in writing is the date they received the material specified in paragraph 10 of Circular 02/2009.

179 **P0558.12 - LAND ADJACENT TO FAIRVIEW INDUSTRIAL ESTATE**

Members considered the report and following a brief debate **RESOLVED** to delegate its authority to the Head of Development and Building Control to approve written requests pursuant to a Section 106 Agreement dated 30<sup>th</sup> August 2012 to source waste fuel from given locations, subject to a sequential assessment being submitted demonstrating that as much fuel as possible is sourced in descending order of priority from the preferred locations and then from the wider ELWA area, prior to waste being imported from further afield commensurate with the continued economic viability of the Development.

The vote for the resolution was carried by 9 votes to 1.

Councillor Durant voted against the resolution.

*As mentioned previously in the minutes Councillor Steven Kelly declared a non-pecuniary personal interest in item P0558.12 – Land to the west of Fairview Industrial Park, Rainham. Councillor Kelly advised that he was a Local Authority Representative on the Board of ELWA. Councillor Kelly left the room during the discussion and took no part in the voting.*

180 **P1474.12 - HAROLD COURT PRIMARY SCHOOL**

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

181 **P0058.13 - 2 WILLOW PARADE, MOOR LANE, CRANHAM**

On the advice of staff it was **RESOLVED** that consideration of the matter be deferred to enable further publicity to be carried out.

182 **P1443.12 - RISE PARK INFANTS SCHOOL, ANNAN WAY, ROMFORD**

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

183 **P1563.12 - GAYNESBOROUGH, LITTLE GAYNES LANE, UPMINSTER**

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

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**Chairman**



## Regulatory Services Committee

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<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-9	P0827.12	Emerson Park	Palms Hotel, Southend Arterial Road, Hornchurch
10-12	P0949.12	South Hornchurch	4 Elmer Gardens, Rainham
13-20	P1332.12	Emerson Park	44 Nelmes Way, Emerson Park, Hornchurch

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## REGULATORY SERVICES COMMITTEE

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<b>APPLICATION NO:</b>	<b>P0827.12</b>	
<b>WARD :</b>	Emerson Park	<b>Date Received:</b> 2nd July 2012 <b>Expiry Date:</b> 1st October 2012
<b>ADDRESS:</b>	Palms Hotel Southend Arterial Road Hornchurch	
<b>PROPOSAL:</b>	Demolition of two outbuildings. Alterations and extension to the existing hotel and increase of parking provision by 65 car parking spaces(including 24 disabled bays)  Additional information received 05-02-2013	
<b>DRAWING NO(S):</b>	LP01 ESP.01 S.01 PO3 Rev A ES.01 EE.01 EP.02 EP.01 P.02 Rev B PE.01 Rev B SP.01 Rev G P.01 Rev C PE.02 Rev 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.	

### **SITE DESCRIPTION**

The site is a 4ha area of land comprising an existing hotel and its curtilage, and is located on the northern side of the Southend Arterial Road (A127). The site's northern and eastern boundaries adjoin open fields, although part of the northern boundary lies adjacent to residential properties, and part of the eastern boundary adjoins a former farm. The southern boundaries adjoin the Southend Arterial Road and an access road leading to the afore mentioned former farm. The site is located in the Green Belt, and on land designated in the LDF as Thames Chase Community Forest and a Mineral Safeguarding Area. The site is also subject of a Tree Preservation Order (no. 46/88).

### **DESCRIPTION OF PROPOSAL**

In summary, this planning application proposes the following:

- a) The demolition of two single-storey outbuildings, which are located at the eastern side of the site;
- b) The erection of a 704sqm, 1-2 storey extension to the existing hotel. This aspect of the proposal would extend beyond the southern elevation of the existing, single storey building containing the reception, bar, and other public facilities. The proposed extension would have a flat roof and a maximum height of approximately 7m, and would contain the relocated nightclub,

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pool, and changing facilities;

c) Alterations to the external appearance of the existing buildings, involving the introduction of curved timber screens either side of the existing entrance to the hotel

d) The creation of additional car parking areas at the western and eastern sides of the site; and

e) The provision of an extension to provide a new lift.

The demolition of the existing outbuildings would result in the removal of 1647m<sup>3</sup> of building volume, whilst the construction of the new extension would result in the addition of 4252m<sup>3</sup> of building volume. The proposal would therefore result in a net increase of 2605m<sup>3</sup>, which is a small proportion of the overall existing hotel complex.

### **RELEVANT HISTORY**

The most recent previous planning decisions at the site are as follows:

P1839.01 - Remodelling of foyer, bar and restaurant and associated extensions, car park and landscape improvements - Approved.

P1811.00 - Remodelling of foyer, bar and restaurant. Construction of new leisure complex. Car park and landscape improvements - Approved.

P0100.93 - Single storey front extension (beer cellar) - Approved.

P0998.11 - Alterations & extensions to the existing hotel and increase of parking provision from 171 car spaces to 236 spaces including 24 disabled bays. Demolition of two outbuildings.  
Withdrawn                      22-09-2011

P1839.01 - Remodelling of foyer, bar and restaurant and associated extensions, car park and landscape improvements  
Apprv with cons              19-08-2003

P1811.00 - Remodelling of foyer, bar and restaurant. Construction of new leisure complex. Car park and landscape improvements  
Withdrawn                      15-05-2001

P0910.95 - Installation of combined heat and power unit  
Apprv with cons              18-09-1995

P0100.93 - Single storey front extension (beer cellar)  
Apprv with cons              02-04-1993

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 63 neighbouring properties; a site notice was placed in the vicinity of the site and advertisements have been placed in the local press.

One neighbouring occupier, residing on the opposite side of the Southend Arterial Road, has objected to the proposal, stating that the removal of vegetation to create the extended car park would cause disruption, adversely affect property values, and affect wildlife.

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Comments have also been received from the following consultees:

Thames Water - No objections.

Environmental Health (Contaminated Land) - No objections; conditions recommended.

Environmental Health (Air Quality) - No objections; condition recommended.

Environmental Health (Noise) - No objections; conditions recommended.

Highways - No objections.

Greater London Authority - No objections.

Transport for London - No objections; conditions recommended.

Highways - No objections.

Crime Prevention Design Advisor - No objections; conditions recommended.

London Fire and Emergency Planning Authority - No objections.

### **RELEVANT POLICIES**

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

CP13 - Minerals Extraction

DC22 - Thames Chase Community Forest

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC60 - Trees and Woodland

DC61 - Urban Design

DC63 - Delivering Safer Places

The London Plan

Policy 7.16 - Green Belt

National Planning Guidance

National Planning Policy Framework ("the NPPF")

### **MAYORAL CIL IMPLICATIONS**

The proposal would result in the creation of 704sqm of new floor space. The existing buildings to be removed, which have been in use for at least 6 out of the last 12 months, amount to 451sqm of floor space. The proposal would therefore give rise to a Mayoral CIL contribution of £5,060.

### **STAFF COMMENTS**

The main issues in this case are considered to be the principle of development, visual impact, the impacts on amenity and highway safety, and other considerations.

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### **PRINCIPLE OF DEVELOPMENT**

The NPPF contains the latest guidance in relation to development in the Green Belt. Paragraph 89 of the NPPF states that the construction of new buildings should be considered as inappropriate development in the Green Belt, except in given cases, including:

"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."

It is considered that the proposed extension would be very modest in relation to the overall size of the existing building and, moreover, two existing buildings would be removed as part of the proposal, which partially compensates for the new building that is being provided.

As the proposal would result in what is considered to be a proportionate addition to an existing building, it is considered that the proposal would not constitute inappropriate development in the Green Belt and would be acceptable in principle.

It is noted that the site is located within a Minerals Safeguarding Area. Policy CP13 sets out the circumstances when planning permission may be given for a non-mineral development within such a Safeguarding Area. It is noted that the site is already in hotel use and has been for a number of years. The proposed extension to the building is limited in footprint and it would not be practicable to extract minerals prior to the development taking place. On this basis, no objection is raised to the proposal on mineral safeguarding grounds.

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

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

The proposal would result in the erection of a 1-2 storey extension relating to the southern end of the existing complex of hotel buildings, and would be visible from the A127 and from neighbouring properties located on the opposite side of that highway. The proposal would also involve the creation of extended parking areas and the re-cladding of the existing buildings. The proposed lift shaft structure would not be visible beyond the site.

The extension would be clad in untreated Western Red Cedar boarding. Over time, the wood would weather and become silver in appearance. The natural weathering of the boarding means that regular maintenance of it is not required. The boarding is splayed for a slender appearance and fixings are stainless steel, which will prevent rusting. The elevation is also fully exposed with no overhang, enabling the elevation to weather more evenly. Given the relative prominence of the existing hotel and proposed extension in street scene terms, Staff are satisfied that the cladding material is appropriate but recognise that Members may place differing weight on this issue. To ensure that the cladding remains untreated with no future staining, a condition is recommended. Overall, it is considered that the proposal would provide an opportunity to improve the appearance of buildings that have a tired appearance.

Given the nature of the proposal, including its height, bulk, and massing, particularly in relation to the size of the site and the host building, it is considered that it would not result in any significant adverse impacts on the visual amenities of the Green Belt or the surrounding area, and that it would therefore be in accordance with Policy DC61 of the LDF.

### **IMPACT ON AMENITY**

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

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The Council's Environmental Health officers have recommended the use of conditions relating to noise. These include restrictions on delivery and construction times, limiting the noise emitted by any new plant, and the insulation of the buildings to prevent noise being emitted from the "nightclub". The properties most likely to be affected by the proposal are located in excess of 50m away on the opposite side of the A127. Restricting construction and delivery times may benefit the occupiers of these properties at unsociable hours when background noise levels are lower. However, the other two noise-related conditions are not considered to be necessary in this case. The hotel operators can already provide night time entertainment on an ancillary basis without the need for planning permission; the proposed extension would only contain a gym and swimming pool. It is considered that any use of plant would not affect the nearest noise-sensitive properties.

Given the nature of the proposal, including its siting, scale and design, and separation distances between it and the nearest sensitive receptors, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers. In terms of the likely impacts on local and residential amenity, it is considered that the proposal would be in accordance with Policy DC61 of the LDF.

### **HIGHWAY/PARKING**

Policy DC32 of the LDF states that planning permission will only be granted for development that does not significantly harm the functioning of the road network.

The proposal would involve increasing the number of parking spaces by around 40%, from 171 to 236, including 24 disabled bays. Most of the new spaces would be for overflow parking during special events, and would be located on existing grass areas to the west and east of the accommodation buildings. Most of the new parking spaces would be 'Golpa' grass surfaced, which is a rigid plastic reinforcement system. The proposal also includes provision for a coach parking space, taxi drop off, electricity charging points, and a cycle storage area.

The Council's Highway officers have raised no objections to the proposal. As the proposal is located alongside the A127, Transport for London have been consulted. No objections have been raised subject to the use of conditions requiring the approval of a Travel Plan, Delivery and Servicing Plan, and a Construction Logistics Plan. It is recommended that these be imposed should planning permission be granted. The proposed provision of electric charging points and cycle storage is considered to be acceptable, although a condition can be imposed, should consent be granted, requiring the approval of details relating to cycle storage.

Subject to the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on highway safety or amenity.

### **OTHER ISSUES**

#### **Environmental Considerations**

The Council's Environmental Health officers have recommended a condition requiring the submission of an air quality assessment, however, this is considered to be unnecessary given the existing use of the site for hotel purposes, and it is recommended that this not be imposed.

#### **Secured by Design**

The Council's Crime Prevention Design Advisor has raised no objections to the proposal, subject

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to the use of a condition, should planning permission be granted, intended to design out crime.

### Trees

The site is subject of a Tree Preservation Order (no. 46/88) which relates to an L-shape belt of trees to the east of the existing bedroom blocks. Some of the 'Golpla' surfaced car parking would be provided immediately adjacent to these preserved trees. It is not considered that this surfacing would be unduly harmful to the preserved trees.

### Other Considerations

A neighbouring occupier has objected to the proposal on the grounds that the removal of trees in relation to the carpark extensions would diminish their outlook, result in harm to wildlife, and affect property prices. The proposal would not result in any significant loss of vegetation, and this would only be in relation to the proposed extension. It is considered that this would not result in any significant adverse impacts on wildlife or outlook from neighbouring properties. Loss of property value is a not a material consideration which can be taken into account in the determination of this proposal.

### KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies CP13, DC22, DC33, DC45, DC60, DC61, and DC63 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. **SC09 (Materials) (Pre Commencement Condition)**

The extension hereby permitted shall only be clad in untreated Western Red Cedar boarding unless otherwise agreed in writing by the Local Planning Authority. Once installed, the boarding shall be kept permanently free of any staining or preservative treatment.

Reason:-

To ensure that the Local Planning Authority retain control over this particular aspect of the development and to accord with with Policy DC61 of the Development Control Policies Development Plan Document.

#### 3. **SC09 (Materials) (Pre Commencement Condition)**

Prior to commencement, samples of all materials to be used in the external



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### **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. 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.

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

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

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 7.3 of the London Plan, and Policies CP17 'Design', DC33 'Car Parking' and DC63 'Delivering Safer Places' of the LBH LDF.

### **7. Non Standard Condition 32**

Prior to the commencement of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

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**8. Non Standard Condition 33**

The development shall not be occupied unless a Travel Plan for the hotel has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

**9. SC59 (Cycle Storage)**

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

Reason:-

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

**10. 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.

**11. Non Standard Condition 34**

No development shall take place until a delivery and servicing plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how the developer will manage traffic movements to and from the site to

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### **12. 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.

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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 CP13, DC22, DC33, DC45, DC61, and DC63 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 was for extending or altering a dwellinghouse, is needed.

#### **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.

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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.	

### **CALL-IN**

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

### **BACKGROUND**

The application was deferred from the last meeting of Regulatory Services Committee to enable the ward member to attend the meeting.

### **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

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### **MAYORAL CIL IMPLICATIONS**

None arising

### **STAFF COMMENTS**

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

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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>P1332.12</b>	
<b>WARD :</b>	Emerson Park	<b>Date Received:</b> 15th November 2012 <b>Expiry Date:</b> 10th January 2013
<b>ADDRESS:</b>	44 Nelmes Way Emerson Park Hornchurch	
<b>PROPOSAL:</b>	Demolition of existing property and erection of a replacement two storey dwelling Revised Plans Received 23.01.2013	
<b>DRAWING NO(S):</b>	1992:01 1992:02 C 1992:03 A 1992:04 A 1992:05 A	
<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 Rochford on the grounds of its bulk, size and overbearing nature.

This application has been called in by Councillor Ramsey on the grounds of its impact on neighbouring occupiers.

### **SITE DESCRIPTION**

The application site is located on the western side of Nelmes Way and is in Sector 2 of the Emerson Park Policy Area. The site contains a two storey detached property.

1.8m fence on the north western boundary. A garage, outbuilding and a 1.8m high fence are on the south eastern boundary. There is a 1 metre high fence on the rear boundary. There is space for seven or more cars on hardstanding.

### **DESCRIPTION OF PROPOSAL**

The applicant seeks consent for the demolition of the existing property and the erection of a replacement two storey dwelling.

The proposed dwelling would measure a maximum of 15.5 metres in width (not including the chimneys on the south eastern flank of the dwelling) by 29.3 metres in depth, due to having front and rear projections. The pitched roof of the main dwelling would measure 5.3m high to the eaves and 9.8m high to the ridge.

The dwelling would be finished in facing brickwork, render and hanging tiles with a concrete plain tile roof. There would be one front dormer window in the main roof and twelve roof lights.

The front projection of the dwelling features accommodation in the roof space in the form of two dormer windows, with an eaves height of 2.5 metres and a ridge height of 7 metres.

Vehicular access would be from Nelmes Way. In addition to an integral double garage, frontage

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parking for at least five further vehicles could be achieved.

### **RELEVANT HISTORY**

P0824.12 Demolition of existing property and construction of replacement dwelling  
Withdrawn.

P1034.10 Increase in roof height, front, side and rear extensions to form a two storey dwelling with accommodation in the roof space with front dormer windows Withdrawn.

P0126.10 Increase in roof height, front, side and rear extensions to form a two storey dwelling with accommodation in the roof space with front and rear dormer windows Refused.

P1146.03 Two storey rear extension, pitched roof to existing garage, side dormer windows and canopy to front door (amendments to planning consent P1938.02) Approved.

P1884.03 Detached garage to front garden Refused.

P0246.03 - Detached garage to front garden Approved.

P1938.02 - Two storey rear extension, pitched roof to existing garage, side dormer windows and canopy to front door Approved.

P1747.02 Detached garage to front garden Refused.

P1318.02 Detached garage Refused.

P0851.00 Single storey side, two storey rear and roof space extensions/alterations and new roof to garage at the side Approved.

### **CONSULTATIONS/REPRESENTATIONS**

7 Neighbours have been consulted as a result of this planning application. 5 letters of representation were received (four of which were from two addresses) with detailed concerns that have been summarised as follows:

- The depth of the dwelling.
- Impact on neighbouring amenity.
- The proximity of the dwelling to the boundaries of the site would appear cramped and be harmful to the streetscene and the Emerson Park Policy Area.
- The front projection of the proposed dwelling would appear out of character in the area.
- The proposed dwelling is considerably larger than previous applications in 2010 that were refused planning permission on the grounds of bulk and mass, appearing overbearing and dominant in the streetscene and harmful to the amenity of neighbours and loss of light.
- The dwelling would project further forward than the previously refused extensions under application P0126.10.
- The proposal features a double garage one and a half stories high with living accommodation above. However, planning permission was refused for a single storey garage to the front of a neighbouring property.
- The depth of the dwelling and its relationship with neighbouring properties due to its dominant appearance in the front and rear garden environments.
- The overall scale, bulk, mass, roof form and height of the dwelling.
- Loss of privacy.
- Impact on visual amenity.



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- Overlooking.
- Concerns regarding the flat roofed areas of the dwelling being used as a terrace or balconies.
- The revised plans do not address concerns raised by neighbouring occupiers and have a minimal effect in reducing the bulk of the proposed development.

In response to the above comments, each planning application is determined on its individual planning merits. The agent has stated in writing that all balconies to the rear of the proposed property are Juliet balconies and the flat roofed areas are to provide access for maintenance and repair only and this is clearly stated on a revised drawing. The remaining issues will be addressed in the remaining sections of the report.

Crime Prevention Design Advisor    Recommends an informative if minded to grant planning permission.

Environmental Health    Recommend a condition in respect of contamination if minded to grant planning permission.

The Highway Authority has no objection to the proposal. Has requested the imposition of a condition in respect of cycle storage and informatives if minded to grant planning permission.

The Fire Brigade is satisfied with the proposal.

### **RELEVANT POLICIES**

DC3, DC33, DC61 & DC69 - LDF Core Strategy and Development Control Policies Development Plan Document.

Residential Extensions and Alterations Supplementary Planning Document

Emerson Park Policy Area Supplementary Planning Document

Residential Design Supplementary Planning Document

Policies 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant.

Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

### **MAYORAL CIL IMPLICATIONS**

The CIL payment is applicable as the proposal is for a replacement dwelling. The gross internal floor area of the existing dwelling is 187 square metres. The gross internal floor area of the existing dwelling can be deducted from the gross internal floor area of the replacement dwelling. An additional gross internal floor space of 613 square metres is proposed for the replacement dwelling. On this basis, the CIL liability equals  $426 \times \text{£}20 \text{ per sq.m} = \text{£}8,520$ .

### **STAFF COMMENTS**

The main issues in this case are considered to be the impact of the replacement dwelling upon the character and appearance of the street scene and the Emerson Park Policy Area, its impact upon neighbouring occupiers and any highway or parking issues.

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

The site is located within Sector 2 of the Emerson Park Policy Area. The Emerson Park Policy

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Area Supplementary Planning Document (SPD), along with Policy DC69, are relevant and the former states that this sector contains in the main medium sized family houses and development must comprise of detached single family, individually designed dwellings. The SPD states that no new building will be permitted unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene; thereby maintaining the varied character of the Emerson Park area. It is considered that the replacement dwelling is not characteristic of the immediate locality.

It is noted that the building lines of Nos 42, 42A, 44 and 46 Nelmes Way are staggered. At present, the application dwelling is an L shaped property and its recessed front facade is in alignment with the front facade of No. 46 Nelmes Way. The land adjacent to the front projection of No. 44 currently maintains an open aspect which occupies a prominent feature in the streetscene, particularly when viewed from the East.

It is considered that the roof height of the proposed dwelling is acceptable, as it is comparable with the ridge height of No. 46 Nelmes Way. However, consideration has been given to the scale, bulk and mass of the proposed dwelling, whether it would appear disproportionately large in relation to neighbouring properties. Following a site visit, it is considered that the prevailing character of neighbouring properties in the immediate vicinity of the site in Nelmes Way is generally characterised by two storey detached dwellings, with accommodation contained largely on the ground and first floor. It is Staff's view that the size of the neighbouring dwellings appear to be of a smaller scale in comparison with the proposed replacement dwelling, with particular reference to No. 42A Nelmes Way.

The front projection of the dwelling has a depth of approximately 8.6 metres, which would be flush with the front facade of No. 42A Nelmes Way. In addition, the dwelling features three largely gabled front projections, which contribute to its overall bulk and mass and would disrupt the open aspect.

Although the dwelling would be located between approximately 1.1 metres and 1.7 metres from the south eastern boundary (not including the chimneys) and between approximately 1.2 metres and 1.6 metres from the north western boundary, it is considered that these separation distances are not sufficient to alleviate the overall scale, bulk and mass of the replacement dwelling, compared with neighbouring character.

It is considered that the replacement dwelling, would by reason of its excessive forward projection, scale, bulk and mass, appear a dominant, visually intrusive, incongruous and overbearing feature in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61.

### **IMPACT ON AMENITY**

The proposed replacement dwelling would project significantly into the front and rear of the site particularly in relation to Nos 46 and 42A Nelmes Way.

It is considered that the proposal would not result in a significant loss of amenity to No. 46 Nelmes Way for the following reasons. The dwelling would be located between approximately 1.1 metres and 1.7 metres from the south eastern boundary of the site (not including the chimneys), which will help to mitigate its impact. As there would be a separation distance of between approximately 2.2 and 2.8 metres between the two properties, the relationship would be equivalent to that created by a 2m set in and permissible depth of a first floor rear extension of

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3m for standard semi-detached properties, therefore it is considered that the proposal would not unacceptably impact on the amenity of No. 46 Nelmes Way. There is favourable orientation, as No. 46 Nelmes Way is located to the south of the application site. No. 46 Nelmes Way has a door on the flank which serves a utility room and two first floor obscure glazed windows, which serve an en-suite. No.46 Nelmes Way has no habitable room flank windows which would be overshadowed by the proposed dwelling.

It is considered that the ground floor flank windows would not result in any undue overlooking, as details of boundary treatments can be secured by condition if minded to grant planning permission. The two first floor flank windows serve en-suites and can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission. It is noted that the existing application dwelling has a front projection with a dormer window in the roof space that faces south east. Therefore, it is considered that the dormer windows in the roof space of the front projection of the dwelling would not create any additional overlooking over and above existing conditions. It is considered that the two roof lights serving bedroom 6 would not create any undue overlooking given their siting and that the first floor flank windows of No. 46 Nelmes Way are obscure glazed. The three roof lights serving a bathroom and the games room can be obscure glazed by condition to prevent any undue overlooking. It is considered that the front dormer window would not add to the overlooking that presently exists.

The agent has stated in writing that all balconies to the rear of the proposed property are Juliet balconies and the flat roofed areas are to provide access for maintenance and repair only and this is clearly stated on a drawing. If the proposal met Council policy in all other respects, a balcony condition could be placed to ensure that the flat roofed areas of the replacement dwelling are not utilised as balconies to protect neighbouring amenity.

Following a site visit, it is noted that No. 42A Nelmes Way has a ground floor window on the south eastern flank, which serves a lounge and is a secondary light source with a window on the front facade. No. 42A has a first floor bedroom window on the south eastern flank, which is a primary light source. It is considered that the proposal would result in a significant loss of amenity to No. 42A in terms of loss of light and outlook due to the height and proximity of the proposed dwelling, as it impedes 45 and 50 degree notional lines recommended in the Residential Extensions and Alterations SPD. There is concern that the cumulative impact of the scale, bulk, mass and the front and rear projections of the replacement dwelling combined with the northern orientation of the neighbouring dwelling, will result in a significant loss of amenity to No. 42A Nelmes Way in terms of loss of outlook and sunlight.

Consideration has been given to the impact of the rear projection of the replacement dwelling, as its rear facade projects approximately 16 metres beyond the rear facade of No. 42A Nelmes Way, which is partly due to the staggered building lines of these two dwellings. In addition, the front projection of the replacement dwelling has a depth of approximately 8.6 metres, which would be flush with the front facade of No. 42A Nelmes Way. The front and rear projections of the replacement dwelling are deemed to be excessive and it is considered that these would result in a significant loss of outlook and sunlight harmful to the amenity of adjacent occupiers, particularly when viewed from the rear garden of No. 42A Nelmes Way. It is considered that the largely gabled rear projection add to the bulk and mass of the dwelling, which would appear a dominant and overbearing feature in the rear garden environment harmful to the amenity of adjacent occupiers.

It is noted that planning permission has been granted for two storey side extensions as well as single and two storey rear extensions to 42A Nelmes Way (application P1824.11). Following a site visit it is noted that building works have not commenced at No. 42A Nelmes Way and

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therefore, the proposed extensions to this neighbouring property cannot be deemed to mitigate the impact of the proposal.

Consideration has been given to whether the proposal would result in any undue overlooking of No. 42A Nelmes Way. It is considered that the ground floor flank windows would not result in any undue overlooking or loss of privacy, as there is a 1.8m timber fence on the north western boundary. In addition, a boundary treatment condition could be placed if minded to grant planning permission. The two first floor flank windows serve en-suites and can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission. The two roof lights serving bedroom 5 could be obscure glazed and fixed shut if minded to grant planning permission. It is considered that the roof light serving the corridor in the roof space would not result in any undue overlooking or loss of privacy, as it would be recessed behind the two storey rear projection of the replacement dwelling. The two roof lights serving the games room can be obscure glazed and fixed shut if minded to grant planning permission.

There are concerns that the first floor Juliet balcony serving bedroom 1 would result in undue overlooking as well as perceived overlooking and loss of privacy to No. 42A Nelmes Way, as it would have direct views into the rear garden.

Following a site visit, it is noted that No. 46 Nelmes Way has a first floor balcony. Planning permission was granted for the demolition of the existing dwelling and the replacement of a new detached house and garage, new boundary wall and new crossover (application P1930.05). It is noted that this application was a resubmission of a previous scheme which featured a balcony over the single storey rear projection and was refused planning permission on grounds of overlooking. The plans were amended for P1930.05, as fixed railings had been provided to the French doors of the master bedroom, with no access being allowed onto the flat roofed extension, which addressed previous concerns regarding overlooking and loss of privacy. Therefore, the first floor balcony at No. 46 Nelmes Way is not deemed to set a precedent, as it was not granted planning permission and is an unauthorised change to the approved plans.

It is considered that the proposed development would not result in a significant loss of amenity to neighbouring dwellings in Ayloffs Walk, as there would be a back to back distance of approximately 53 metres between the rear facades of No.'s 44 Nelmes Way and 37 Ayloffs Walk.

Having carefully considered the merits of the scheme, it is considered that the cumulative concerns indicate that the replacement dwelling is too bulky, extends too far to the front and rear and therefore, the resulting impact is unacceptable. Overall, it is considered that the replacement dwelling would, by reason of its scale, bulk, mass and excessive depth, appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers.

### **HIGHWAY/PARKING**

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. There would be space for two vehicles in the integral garage. There would be space for approximately seven vehicles on hardstanding to the front of the property, which is deemed to be sufficient.

### **KEY ISSUES/CONCLUSIONS**

It is considered that the replacement dwelling, would by reason of its excessive forward projection, scale, bulk and mass, appear a dominant, visually intrusive, incongruous and

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overbearing feature in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61.

It is considered that the replacement dwelling would, by reason of its scale, bulk, mass and excessive depth, appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers in terms of loss of outlook and sunlight, particularly No. 42A Nelmes Way.

The proposed development would, by reason of its position and proximity to neighbouring properties and the Juliet balcony serving bedroom 1, result in undue overlooking and loss of privacy harmful to the amenity of neighbouring occupiers particularly No. 42A Nelmes Way contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

For the reasons outlined within the report the proposal is considered to be unacceptable and contrary to Policies DC61 and DC69 of the Local Development Framework Development Plan Document and the Emerson Park Policy Area Supplementary Planning Document and refusal is recommended.

### **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 proposed development would, by reason of its excessive forward projection, scale, bulk and mass, appear a dominant, visually intrusive, incongruous and overbearing feature in the streetscene harmful to the open and spacious character and appearance of the surrounding area contrary to the Emerson Park Policy Area SPD and Policy DC61.

#### **2. Reason for refusal**

The proposed development would, by reason of its scale, bulk, mass and excessive depth, appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers in terms of loss of outlook and sunlight, particularly No. 42A Nelmes Way contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

#### **3. Reason for refusal**

The proposed development would, by reason of its position and proximity to neighbouring properties and the Juliet balcony serving bedroom 1, result in undue overlooking and loss of privacy harmful to the amenity of neighbouring occupiers particularly No. 42A Nelmes Way contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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#### **1 Refusal - No negotiation**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: An improvement required to make one aspect of the proposal acceptable was negotiated and submitted, but given that the proposal had other conflicts with adopted planning policy, notification of intended refusal, was in this

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case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

**2 Refusal and CIL (enter amount)**

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8,520. Further details with regard to CIL are available from the Council's website.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

25 April, 2013

**Subject Heading:**

**P0030.13 – Whitehouse Kennels, St Mary’s Lane, Upminster**

**Change of use of the existing site to a Holiday Park. Demolition of the existing kennels to facilitate the erection of six chalets alongside the conversion of three existing buildings to holiday let units. Provision for off-street parking for 12 vehicles, soft landscaping and refuse facilities.**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

This planning application proposes the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park, comprising 9 accommodation units, along with associated landscaping, surfacing, and other works.

## RECOMMENDATIONS

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

- That the proposed holiday accommodation comprising 9 units be used solely as holiday lets and for no other purpose and that the seasonal occupation as holiday lettings is restricted to 10 months in any calendar year the precise dates of the restrictions shall be agreed or in default of agreement set by the Council
- That the applicant/owner of the application site agrees that on the issue of the Decision Notice pursuant to the Planning Application (Reference P0030.13) the following Certificates of Existing Lawful Use or Development (Certificates) granted under Section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted use of accommodation units existing on site for unrestricted residential use. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:-
  1. Certificate Reference E0014.00 issued on 29<sup>th</sup> August 2002;
  2. Certificate reference E0012.11 issued on 6<sup>th</sup> March 2012; and
  3. Certificate reference E0022.12 issued on 8<sup>th</sup> March 2013.
- The Council's reasonable legal fees shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.



That, subject to the Environment Agency having no objections to the proposal on flood risk grounds, Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

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

Reason:-

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

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

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

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

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason:-

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

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

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

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

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

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

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

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

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

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

Reason:

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

13. Ecology - No development shall take place until details of the proposed ecological mitigation measures have been submitted to and approved in

writing by the Local Planning Authority. The approved measures shall be implemented prior to the development being brought into use.

Reason:-

To improve the ecological value of the site in accordance with Policy DC59 of the Development Control Policies Development Plan Document.

14. Seating and Play Areas - No development shall take place until details of the proposed outside seating and play areas have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the development being brought into use.

Reason:-

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

15. Surfacing Materials - No development shall take place until details of the proposed surfacing materials, to be used throughout the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

In the interests of sustainable drainage and the visual amenities of the Green Belt.

16. Lighting Scheme – No development shall take place until details of the proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

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

17. Wheel Washing - 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.

18. Layout - The layout of the proposal shall be in accordance with the submitted plan referenced "STMRL-L101 Rev. A", date stamped 1st February, 2013 and retained as such.

Reason:-

In the interests of visual amenity and the openness of the Green Belt, 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.

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

Reason:-

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

## **INFORMATIVES**

Highways - Informative:

1. 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.

Community Safety - Informative:

In aiming to satisfy the Secure by Design condition (condition 9), the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

#### 4. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC22, DC32, DC33, DC45, DC55, DC58, 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.

#### Planning Obligations

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

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

#### Approval Following Revision

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

<b>REPORT DETAIL</b>
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This application was brought before Members on 14<sup>th</sup> March, 2013 as it had been called-in by Councillor Van Den Hende, on the grounds that the proposal would be incompatible with the Green Belt and visually intrusive.

The application was deferred to allow additional information to be gathered about the planning history of the site. Officers have been unable to find any evidence that a previous planning permission at the site required the site to

be cleared in the event that the kennel use ceases. There appeared to be no planning obligations or planning conditions of extant planning permissions that required the land to be cleared in the event that the current use as kennels ceases.

On this basis, the report originally presented to the 14<sup>th</sup> March committee is replicated below.

## **1. Site Description**

- 1.1 The Site, which is located in the Green Belt, forms a broadly rectangular area of land running in a north-south direction. The Site is in use as a kennels and cattery business, but includes three buildings, which are in use as dwellings. The northern half of the Site is dominated by development associated with the kennel business. The southern half of the Site is an area of open grassland, at the centre of which is a timber building in use as a residential unit, which is currently the subject of an application for a certificate of lawfulness. The other two residential units are located in the northern half of the Site, both of which benefits from a certificate of lawfulness for use as a dwelling.
- 1.2 The Site's northern boundary lies adjacent to St Mary's Lane; the western and eastern boundaries abut neighbouring properties: Elizabeth Lodge Farm to the west and Brook Farm to the east, both of which include dwellings. The southern boundary, which is formed by a belt of vegetation, adjoins open countryside. The existing business includes 58 cattery pens and approximately 100 dog pens, however, the site is licensed to hold upto 158 dogs. The applicant has stated that the busiest period is during the summer months when it typically reaches full capacity.
- 1.3 The complex of buildings dominating the northern half of the Site include kennel buildings, which run alongside the Site's western boundary, along with an office building, cattery, and various outbuildings. The existing buildings are typically around 3m in height. A parking area is located at the northern end of the Site, alongside the public highway. As discussed, there are also two dwellings at the northern end of the site.
- 1.4 The site is located on land designated as Thames Chase Community Forest, and a countryside conservation area is located approximately 20m to the east. The site is located on land designated as Flood Zones 2 and 3.

## **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park. The structures of the existing three dwellings would remain but be converted to use as holiday units with their own formal garden areas.



- 2.2 The proposal would also involve the siting of six cabins, each of which would have a footprint of 74.3sqm and a height to ridge of approximately 3m. Each of the cabins would include three bedrooms, a bathroom, kitchen, and living area and would be accompanied by an area of decking. The proposed development would be available for use by individuals and families, as well as organisations. The cabins would be located at the northern end of the site, mainly along the western boundary, in place of the existing buildings and hardstanding which are to be removed.
- 2.3 The proposal would include an internal pedestrian path, play space for children, along with several open spaces, a pond, and landscaping. A parking area with 12 spaces would be located at the northern end of the site, in place of an existing car park and building, and would be kept separate from the proposed accommodation and open space areas. A reception building would be located at the northern end of the site to be used by the site manager.

### **3. Relevant History**

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

E0022.12 - Retention of the use of the existing Studio Apartment as residential (class C3) with its associated rear garden amenity space - Under consideration.

E0012.11 - Certificate of Lawfulness for erection and use of log cabin as a dwelling house - Certificate of Lawfulness granted.

E0014.00 - Wood built bungalow type dwelling converted from mobile home - Certificate of lawfulness granted.

P1425.95 - Replacement of mobile home with new chalet-style dwelling and existing shop/office with new single storey office / reception building - Refused.

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

- 4.1 Notification letters were sent to 32 neighbouring properties. 18 objection letters have been received. The objections raised are as follows:

- a) The proposed units would be let as residential properties;
- b) The locality is not a holiday area;
- c) The area is prone to flooding;
- d) The land would become a Traveller site;
- e) The site is located in the Green Belt;
- f) The proposal would cause traffic congestion;
- g) There would be a detrimental impact on property prices;
- h) The proposal would have an adverse impact on local ecology;
- i) It is unclear who will supervise the site;

- j) There is a lack of public transport provision in the area;
- k) It will encourage further mobile units to be sited;
- l) The proposal would result in a loss of employment.

4.2 Comments have also been received from the following consultees:  
Environment Agency - Comments awaited.

Crime Prevention Design Advisor - No objections; condition recommended.

Environmental Health - No objections; condition recommended.

Highways - No objections.

Health and Safety Executive - No objections.

London Fire and Emergency Planning Authority - Comments awaited.

## **5. Relevant Policies**

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

- DC22 - Thames Chase Community Forest
- DC32 - Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC58 - Biodiversity and Geodiversity
- DC59 - Biodiversity in New Developments
- DC61 - Urban Design
- DC63 - Delivering Safer Places

5.2 The London Plan

Policy 7.16 - Green Belt

5.3 National Planning Guidance

National Planning Policy Framework ("the NPPF")

## **6. Staff Comments**

6.1 The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, Highway and access arrangements, and other considerations.

### **6.2 Principle of Development**

6.2.1 The site is located in the Green Belt and numerous objections have been received stating that the proposal would be detrimental to the Green Belt.

- 6.2.2 This planning application proposes the change of use of land and building operations in the Green Belt. Policy DC45 of the LDF relates to the control of development in the Green Belt, but has, in this case, been superseded by the guidance contained in the NPPF.
- 6.2.3 In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
  - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 6.2.4 In terms of Green Belt policy, this application proposes the material change of use land, which would include the siting of new buildings, including cabins and other structures, such as fencing, cycle and bin storage, and benches. It is considered that the proposed cabins would constitute building operations owing to their size, degree of attachment to the ground, and degree of permanence.
- 6.2.5 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given cases, which include:
- "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."
- 6.2.6 The proposed cabins, which would make up the bulk of the proposed building operations, would be located in place of the existing buildings and hardstanding at the site. The proposed units would have a cumulative volume that is less than that of the existing permanent buildings to be replaced; approximately 1111m<sup>3</sup> compared to the existing 1121m<sup>3</sup>. The proposal would also involve the removal of various, more temporary structures, such as cages. It is considered that the proposed cabins would not have a greater impact on the openness of the Green Belt than the existing development. It is considered that the other proposed structures could be provided without detriment to the Green Belt, however, it is recommended that conditions be imposed, should planning permission be granted, requiring the approval of details relating to boundary treatment, play area structures, and bicycle/bin storage.

6.2.7 The guidance contained in the NPPF states that material changes of use constitute inappropriate development in the Green Belt. It is considered that the proposed use would not, compared to the existing land uses at the site, be detrimental to the openness of the Green Belt or the purposes of including land within it. The proposed use is likely to result in a less intensive use of the land than the existing kennel and cattery business. Nevertheless, given the guidance in the NPPF in relation to changes of use, very special circumstances will need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness. This matter will be discussed below.

6.2.8 Neighbouring occupiers have objected to the proposal on the grounds that the proposed cabins could be used for residential purposes. The application is for holiday lets, and should be treated as such on its own merits. In order to ensure that the site is used for the purposes being applied for, it is recommended that a legal agreement be sought, should consent be granted, requiring that the accommodation units not be used for residential purposes.

### **6.3 Density, Site Layout and Visual Impact**

6.3.1 The site is located in the Green Belt. Neighbouring occupiers have objected to the proposal on the grounds that it would be contrary to Green Belt principles and harmful to the visual amenities of the Green Belt.

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

6.3.3 In its current condition, the site is considered to be in an unsightly condition, comprising a series of ramshackle structures that are detrimental to the visual amenities of the Green Belt. Moreover, the very intense use of the site at certain points of the year, involving numerous vehicle movements, associated with the running of a kennel business, are such as to have an urbanising effect on the Green Belt. It is considered that the proposed development, which would involve the removal of the existing kennel and cattery, including various temporary structures, and their replacement with less voluminous buildings, would improve the appearance of the site. It is considered that the proposed use of the site, as a modest holiday park, would be less intense than the existing use and therefore more suitable to a semi-rural, Green Belt location.

6.3.4 Further conditions are recommended to limit the number of holiday cabins allowed at the site and to require the submission and approval of landscaping details, the appearance of the proposed cabins, and the design of refuse and bicycle storage areas.

6.3.5 Given the nature of the proposal, it is considered that it would not have a significant adverse impact on the visual amenities of the Green Belt, and that it would be in accordance with Policy DC61 of the LDF. Development

proposals which by reason of their scale, nature or location are judged to have a significant effect on the openness of the Green Belt may be referred or notified to the Secretary of State. The Secretary of State may then exercise his discretion as to whether the application should be called-in. In the context the effect on the openness of the Green Belt is not considered to be significant as the current condition of the site within the Green Belt would be improved in term of its appearance without significant impact on the openness of the Green Belt.

#### **6.4 Amenity Considerations**

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

6.4.2 The proposed holiday chalets would be located approximately 10m from the nearest neighbouring property, at Elizabeth Lodge Farm. One of the existing residential units, which is to be converted to use as holiday accommodation, would be located approximately 3m from the dwelling at Brook Farm. In the latter case, it is considered that the proposed use of the existing residential units would not give rise to any greater amenity impacts than their current use. In terms of the six new holiday cabins, which would be located in close proximity to the site's western boundary, it is considered that there would not be any significant adverse impacts to neighbouring properties in terms of outlook, overlooking, or loss of light. A scheme of boundary treatment should be imposed, should planning permission be granted.

6.4.3 It is considered that the proposal would result in an improvement to the amenity of neighbouring occupiers insofar as there is likely to be a significant reduction in the amount of noise generated at the site. The current operations are very noisy, particularly at certain times of the year, as a result of dogs barking and frequent vehicular movements.

6.4.4 Given the nature of the proposal, it is considered that there would not be a significant adverse impact on the amenity of neighbouring occupiers, and that the proposal would not therefore be contrary to Policy DC61 of the LDF.

#### **6.5 Parking and Highway Issues**

6.5.1 Neighbouring occupiers have objected to the proposal stating that there would be insufficient vehicle parking and that the proposal would contribute to congestion on the public highway. It has also been stated that the site is remote from public transport.

6.5.2 The proposal would include 12 parking spaces for use by the three existing residential units, and six proposed holiday lets. This would be the equivalent of 1.3 spaces per unit. The proposal would also include bicycle storage, the details of which can be sought by condition. Whilst the site may not be well served by public transport, it is considered likely that users would, in any case, opt to travel to the site by car, owing to the need to carry clothes and other provisions. Moreover, it is to be expected that a holiday park would be

located in rural or semi-rural surroundings, and it is typical for there to be poor public transport provision in such locations.

- 6.5.3 The Highway Authority has raised no objections to the proposal. It is therefore considered, in the absence of any supporting information to the contrary, that the proposal would be detrimental to highway safety and amenity.

## **6.6 Community Infrastructure**

- 6.7.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) as the proposal would not result in the creation of more than 100sqm or more of new build floor space, once the existing buildings and their recent use, has been considered.

## **6.8 Flood Risk**

- 6.8.1 Much of the Site is located in Flood Zones 2 and 3, and is therefore located on an area of land at higher risk of flooding. It is at the north western end of the site that the land is designated as being in the lower risk, Flood Zone 2. As most of the cabins would be located in this part of the site, it is considered that the proposal passes the Sequential Test, in that it locates the accommodation, which is the more vulnerable element of the proposal, into the area of the site at lowest risk of flooding.

- 6.8.2 However, as the proposal would involve placing some accommodation in Flood Zone 3a, it is necessary for the proposal, as a more vulnerable use, to be subject to the Exceptions Test. In this case it is considered that there are sustainability benefits to allowing the development to proceed. The proposal would result in the redevelopment of a visually unsightly, intensely used, and noisy use into one that would be more appropriate in the Green Belt and in close proximity to residential properties.

- 6.8.3 The safety considerations associated with locating such a development in an area at risk of flooding should be the subject of a Flood Risk Assessment. The applicants have prepared a Flood Risk Assessment, which is currently being considered by the Environment Agency. Members will be updated of progress during the Committee meeting.

## **6.9 Other Considerations**

### *Nature Conservation*

- 6.9.1 In terms of nature conservation considerations, the site is located in close proximity to a Countryside Conservation Area. Policy DC58 of the LDF states that the biodiversity and geodiversity of such sites will be protected and enhanced. The site is separated from this designated area by an intervening property; it is considered that the proposal would not have any significant effect. By reducing the intensity of the site's use and reducing noise

nuisance, it is more likely that the proposal would have a beneficial, rather than a detrimental, impact on the Countryside Conservation Area.

- 6.9.2 Policy DC59 states that biodiversity enhancements will be sought where new developments are proposed. It is recommended that a condition be imposed requiring the submission of details relating to the proposed use of such enhancement measures, such as bird boxes. Such enhancements can also be sought through the approval of a landscaping scheme.

#### *Contaminated Land*

- 6.9.3 The Council's Environmental Health officers have recommended a condition relating to contaminated land, which can be imposed should planning permission be granted.

#### *Very Special Circumstances*

- 6.9.4 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88). In this particular case, it is overall use of the site, rather than the proposed structures, that would constitute inappropriate development in the Green Belt.
- 6.9.5 In its current condition, the site is considered to be in an unsightly condition, comprising a series of ramshackle structures that are detrimental to the visual amenities of the Green Belt. Moreover, the very intense use of the site at certain points of the year, involving numerous vehicle movements and other nuisances, such as noise, associated with the running of a kennel business, are such as to have an urbanising effect on the Green Belt. It is considered that the proposed development, which would involve the removal of the existing kennel and cattery, and various temporary structures, and their replacement with less voluminous buildings would improve the appearance of the site. There is also the potential, through the use of conditions, to significantly improve the landscaping and ecological value of the site. It is considered that the proposed use of the site, including six holiday let cabins, would be far less intense than the existing use of the site.
- 6.9.6 In light of the above, it is considered that there are very special circumstances to justify the proposed change of use.

#### *Other*

- 6.9.7 Neighbouring occupiers have objected to the proposal on the grounds that it would be detrimental to local property prices and on the grounds that there would not be sufficient demand for the proposal. These matters are not

considered to constitute material planning considerations and are not therefore considered any further in this report.

## **7. Conclusion**

7.1 The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be unacceptable having had regard to Policies DC22, DC32, DC33, DC45, DC55, DC58, DC61, and DC63 of the LDF, and all other material considerations.

### **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

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

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

### **BACKGROUND PAPERS**

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



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

25 April 2013

Subject Heading:

**P0173.13: Land South of Harold Hill Health Centre, Gooshays Drive, Harold Hill**

**Creation of a car park containing 21 spaces, landscaping and associated works to adjoining paths (application received 19 February 2013; revised plans received 27 March 2013).**

Report Author and contact details:

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

Policy context:

**National Planning Policy Framework  
The London Plan 2011  
Local Development Framework**

Financial summary:

**None**

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

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

**SUMMARY**

The application is for the creation of a 21 space car park on land to the south of Harold Hill Health Centre, together with associated landscaping and access works. The proposals forms part of the Council's local regeneration initiative, known as the Harold Hill Ambitions Programme. The application is brought before the committee

as it involves land owned by the Council. The proposal will improve parking provision for both the health centre and the nearby community centre and is considered to comply with all material planning policies.

## RECOMMENDATIONS

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

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

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

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

E3079/10/A

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

3. Boundary Treatment – The boundary treatment hereby approved shall be as set out on page 12 of the Design and Access Statement dated February 2013 and received on 19 February 2013 unless otherwise submitted to and approved in writing by the Local Planning Authority and the boundary treatment shall be carried out in accordance with the approved details prior to first use of the approved development and retained thereafter.

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

4. Community Safety NSC (Safer Parking Scheme) - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Park Mark – Safer Parking Scheme' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design', DC33 'Car Parking' and DC63 'Delivering Safer Places' of the LBH LDF.

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

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

6. Archaeology – A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.  
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).  
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and historic buildings assessment followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in PPS 5/NPPF.

7. Land Contamination - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

8. Keep Clear Markings – Before the car park hereby approved is first brought into use the turning area in the car park shall be hatched and clearly marked as 'No Parking - Turning Area Only' and retained as such permanently thereafter.

Reason: In the interests of highway safety and to accord with Policy DC32 of the Core Strategy and Development Control Policies Development Plan Document.

**INFORMATIVES:**

1. The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

**REASON FOR APPROVAL:**

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 5.12, 5.13, 6.13, 7.3, 7.4 and 7.5 of the London Plan and Policies CP8, DC32, DC33, DC51, DC56, DC61 and DC63 of the Core Strategy and Development Control Policies Development Plan Document.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is located on the eastern side of Gooshays Drive, to the immediate south of the Harold Hill Health Centre. The site is currently a grassed area, directly overlooked by the health centre. To the south of the site is the Harold Hill Community Centre. The existing vehicular access serving both the health centre and the community centre is directly adjacent to the southern side of the application site.
- 1.2 The character of the surrounding area is mixed, with a predominance of community uses on the eastern side of Gooshays Drive, with mainly residential development on the western side. Further south and to the east of the community centre outline planning permission has been granted, but not yet implemented, for residential development.

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

- 2.1 The application is for works within the site to create a 21 space car park, together with landscaping and associated works to create access from the adjoining road.
- 2.2 The proposed car park would have a tarmacadam surface with parking bays adjoining both north and south boundaries of the site. A landscaped verge will be retained to the western boundary of the site on to Gooshays Drive but with the addition of a pedestrian footpath. 1m high bollards are proposed to demarcate the western boundary of the car park with timber knee rail fences to the south and eastern boundary of the car park. Two streetlights are proposed to the northern boundary.
- 2.3 The proposals have been revised since original submission in response to highway concerns regarding the location of the exit point from the car park. This has resulted in a change to the layout of the parking bays and the creation of a single point of access/egress at the eastern end of the site.

### **3. Relevant History**

- 3.1 There is no relevant planning history directly relating to the application site.
- 3.2 Members will however be aware of the Harold Hill Ambitions Programme, which is a regeneration scheme for this part of the Borough. As part of the Ambitions Programme, outline planning permission has previously been granted for residential development on land south and east of the subject site (planning permission P1451.10), with the income generated from this

earmarked for a range of improvements to playing fields and open space, provision of affordable housing and new community facilities.

- 3.3 The proposals seek to provide improved parking provision for the community centre and health centre and form part of the overall objectives of the Ambitions programme.

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

- 4.1 Neighbour notification letters have been sent to 10 local addresses. One letter of representation has been received, on behalf of the community centre, commenting that:

- Additional parking would be welcomed, especially as health centre users occupy community centre parking spaces
- Shared accesses and paths to be left in a good condition and adequately lit
- Would like to see detailed plans as centre has a range of users, including children, elderly and disabled, so need to ensure safety.

The proposals have been revised since originally submitted and neighbours notified of the revised proposals. Additional consultation expires on 18 April and Members will be advised if any further representations are received.

- 4.2 The Borough Crime Prevention Design Advisor has no objection in principle to the proposals but is concerned as to whether the lighting complies with required standards. Conditions are requested if permission is granted relating to car park safety standards and lighting.

- 4.3 English Heritage (archaeology) advise the development may affect remains of archaeological significance and a condition is requested for a scheme of investigation.

- 4.4 The Fire Brigade have raised no objection to the proposals.

- 4.5 Highways raised concerns with the initial proposals that the car park exit is too close to the junction with Gooshays Drive and will create congestion at this location, potentially affecting highway safety. The proposals have since been revised to address this concern in accordance with suggestions made by the Highway Engineers.

#### **5. Relevant Policies**

- 5.1 The National Planning Policy Framework is a material consideration, as are Policies 5.12 (flood risk); 5.13 (sustainable drainage), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character) and 7.5 (public realm) of the London Plan.

- 5.2 Policies CP17, DC32, DC33, DC51, DC56, DC61 and DC63 of the Core Strategy and Development Control Policies Development Plan Document are also material to the consideration of this application.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of the development; the design and layout of the car park in terms of access and highways issues, visual impact, impact on amenity, sustainable drainage and community safety.

### **6.2 Principle of Development**

6.2.1 The application site is located within Harold Hill, which has a relatively low PTAL rating of 2-1, meaning that it is not particularly well served by public transport. In this location it is considered that the principle of providing additional car parking to support the existing local community facilities that are located here, is acceptable.

6.2.2 The proposal is also consider to support some of the wider objectives of the Harold Hill Ambitions Programme and make it easier for residents to access community facilities, such as the health centre and community centre. This accords with the overall vision and core objectives of the LDF.

### **6.3 Layout and Design**

6.3.1 The car park will be accessed directly from the existing road to the south of the site with a single point of access and egress at the eastern end of the site. The proposed layout has been redesigned to take account of Highway concerns regarding the original location of the exit and Highways Engineers consider the revised layout to be acceptable, such that no material highway implications are considered to arise. Visibility is considered to be acceptable and no objections are raised on highway safety grounds.

6.3.2 The revised layout does not enable soft landscaping within the car park but the landscaped verge to the site frontage will be retained, which is considered to provide a suitable visual impact in the wider streetscene. The hard surfacing materials proposed, tarmacadam for the car park and resurfaced footways, with tactile paving across site entrance, is considered acceptable in principle. The combination of bollard and knee rail fencing is also acceptable in principle and will maintain a generally open appearance to the car park.

6.3.3 The surface water run off would be drained away from the site by gullies within the site to a drainage run along the length of the car park. The proposal is therefore considered acceptable in respect of arrangements for surface water drainage.

### **6.4 Impact on Amenity**

6.4.1 The proposed car park does not directly adjoin any residential property. The use or lighting of the car park is not considered to materially affect the functioning of the health centre or the community centre. Comments raised by the community centre in representations are noted. However, the

detailed layout of the proposal is considered acceptable and short term impacts during the construction of the car park are not material planning considerations in this case.

#### **6.4 Other Issues**

6.4.1 In terms of community safety, the Borough Crime Prevention Design Advisor raises no material objections to the proposal, although a condition is suggested requesting it be demonstrated how the car park will comply with the Park Mark Safer Parking Scheme. Concern has however been raised in respect of the suitability of the lighting and a condition is therefore recommended in this respect.

6.4.2 English Heritage (Archaeology) have also identified that the proposal may affect remains of archaeological importance. Further information has been requested to show the extent of works proposed and the applicant has been advised of this but, at this time, further information is not available and therefore a condition has been suggested in respect of archaeological issues. .

#### **6.5 Mayoral CIL**

6.5.1 The application is for a change of use and does not propose new floorspace so is not liable for Mayoral CIL.

#### **7. Conclusion**

7.1 The application is acceptable in principle in this location and will further support the use of existing local community facilities. It is compliant with the objectives of local regeneration initiatives forming part of the Harold Hill Ambitions Programme.

7.2 The proposal is acceptable in terms of detailed design and layout and in respect of parking and highway implications. There is no material harm to amenity arising from the application. Details of lighting can be secured by condition, along with details of archaeological impacts. Subject to these conditions the proposal is considered to be acceptable and it is recommended that planning permission is granted.

### **IMPLICATIONS AND RISKS**

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

None directly arising from this application.

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



None.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The proposal forms part of the wider Harold Hill Ambitions Programme for local regeneration. It will enable easier access to the existing local community facilities, so improving the ability of local residents to use the services they offer.

**BACKGROUND PAPERS**

Application forms and drawings received 19 February 2013.; revised plans received 27 March 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

25 April 2013

Subject Heading:

P1155.12 – 64 Wingletye Lane,  
Hornchurch

Conversion of six bedroom house to 4  
no. one bedroom flats, external  
alterations, demolition of conservatory  
and part of single storey side  
extension (Application received 21<sup>st</sup>  
September 2012)

Report Author and contact details:

Simon Thelwell (Projects and  
Regulation) 01708 432685

Policy context:

Local Development Framework  
London Plan  
National Planning Policy

Financial summary:

None

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

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

**SUMMARY**

This report concerns an application for the conversion of a six bedroom house to 4 No. one bedroom flats, external alterations, demolition of conservatory and part of a single storey side extension. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning Document.

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

## RECOMMENDATIONS

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

- A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Agreement, prior to completion of the Agreement, irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

1. Time limit - The development 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. Matching materials - All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

7. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the

satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

9. Obscure glazing - The ground floor shower room and bathroom windows and the first floor bathroom and en-suite windows on the rear façade of the building 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.

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

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

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

## INFORMATIVES

### 1. Reason for Approval

The proposal is considered to be in accordance with Policies CP1, CP2, CP17, DC2, DC3, DC4, DC33, DC35, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as The Supplementary Planning Document (SPD) for Residential Design. The proposal is also considered to be in accordance with the provisions of Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.13, 7.4 and 8.2 of the London Plan.

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

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

4. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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

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

## Planning Obligations

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

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

### REPORT DETAIL

## 1. Background

- 1.1 This application was last brought to the 30<sup>th</sup> October 2012 Regulatory Services Committee where it was resolved that planning permission be granted for the conversion of the existing dwelling into 4 no. one bedroom flats, subject to a Section 106 Legal Agreement to secure a financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document. In regard to the Section 106 seeking financial contributions, the applicant, through their agent, has asked that consideration given to the fact that planning permission was granted for four dwellings on the application site and two of these have been constructed under application P0659.08. This extant planning permission can be implemented in its entirety with two dwellings replacing the subject dwelling, which would not be subject to any financial contribution. Given this fallback position, staff consider that the financial contribution of £6,000 shall only be applied to two of the four proposed flats and this change to the recommendation is subject to approval from Members. The main content of the report set out below is the same as that reported on 30<sup>th</sup> October except for Section 9, Planning Obligations.

## 2. Site Description

- 2.1 The application site is located on the junction of Wingletye Lane and Dury Falls Close. Dury Falls Close slopes downhill from north west to north east. There is a raised patio area to the rear of the dwelling with steps leading down to the rear garden. The site is presently occupied by a two storey detached dwelling. The site has a maximum frontage onto Wingletye Lane of approximately 26 metres and the whole site has a depth of approximately 45 metres. There is a 1.8m high timber paling fence and low brick wall on the front boundary of the site with shrubs and plants. There is a low brick wall with a 2 metre high hedge on the north eastern boundary of the site. There is a 1.8m high brick wall on the north eastern boundary of the site to the rear of the existing dwelling. The surrounding area is predominantly



residential in character, comprising of two storey detached, terraced and semi-detached properties. There is a public car park located opposite the site. There are two link detached dwellings with garages located to the rear of the application site.

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

3.1 The application seeks permission for the conversion of a six bedroom house to 4 No. one bedroom flats, external alterations, demolition of a conservatory and part of a single storey side extension.

3.1.1 The proposal includes infilling the existing recessed porch area to create a cloak room and hallway. The external alterations include infilling a door and window to the flank wall of the existing utility room and creating a new door and window on its rear façade, which will serve the kitchen/dining room of the maisonette. The garage door on the front façade of the dwelling would be replaced with a door and window to serve the maisonette. Two arched windows on the north eastern flank of the dwelling would be removed. The proposal includes the creation of one ground floor and one first floor window on the front façade of the dwelling.

3.1.2 There would be one main entrance that would serve two ground floor flats and a first floor flat. There would be a maisonette on the ground and first floors with a separate entrance adjacent to the south western boundary of the site. There would be eight off street parking spaces on hardstanding including one disabled space.

### **4. Relevant History**

4.1 N0028.11 – Minor amendment request to P0659.08 – Approved.

P0659.08 – Construction of 2 no. 4 bedroom detached houses with detached garages and 2 no. link detached 3 bedroom houses with garages – Approved.

P0123.08 – Proposed construction of 2 no. 4 bedroom detached houses with detached garages and 2 no. link detached 3 bedroom houses with garages – Withdrawn.

P1169.05 – Demolition of existing detached house and outbuildings and construction of four, 2 bedroom houses and two 3 bedroom houses – Refused. Appeal dismissed.

P0019.96 – Single storey side/rear extension – Approved.

P1377.94 – Single storey side/rear extension – Refused.

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

- 5.1 The occupiers of 26 neighbouring properties were notified of this proposal. No letters of representation have been received.
- 5.2 Crime Prevention Design Advisor - Recommends a condition and informative if minded to grant planning permission.
- 5.3 The Highway Authority has no objections to the proposals and recommends informatives if minded to grant planning permission.
- 5.4 London Fire and Emergency Planning Authority - The Brigade is satisfied with the proposals.

## **6. Relevant Policies**

### 6.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply  
 CP2 – Sustainable Communities  
 CP17 – Design

### 6.2 LDF Development Control Policies Development Plan Document

DC2 – Housing Mix and Density  
 DC3 – Housing Design and Layout  
 DC4 – Conversions to residential and subdivision of residential uses  
 DC11 – Non-designated sites  
 DC33 – Car parking  
 DC35 - Cycling  
 DC61 – Urban design  
 DC63 – Delivering safer places  
 DC72 – Planning Obligations

Supplementary Planning Document (SPD) for Residential Design  
 Planning Obligations Supplementary Planning Document

### 6.3 The London Plan

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

### 6.4 National Planning Policy Framework

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

## **7. Staff Comments**

7.1 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.

7.1.1 Planning permission was granted for the construction of 2 no. 4 bedroom detached houses with detached garages and 2 no. link detached 3 bedroom houses with garages under planning application P0659.08. It is noted that the applicant has implemented planning permission P0659.08 by constructing two of the four houses approved under this consent. The proposed retention and conversion of the existing house would mean that the remaining two houses could not be constructed.

7.2 Principle of Development

7.2.1 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. The location of the site complies with these criteria.

7.2.2 The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development, particularly as a dwelling occupies the site and therefore, the principle of converting the six bedroom dwelling into 4 no. one bedroom flats is in accordance with policy criteria.

7.3 Density and site layout:

7.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.0674 hectares and the proposal would produce a density of 59 dwellings per hectare which is deemed to be acceptable.

7.3.2 In terms of the form of development, the proposal needs to be considered having regard to the provisions of Policy DC4 of the DPD which relates to proposals to sub-divide houses to provide more residential units. With regards to this policy, any proposal will be required to satisfy a number of criteria. These are that each flat should be of an adequate size, self contained with a reasonable outlook and aspect; should not materially reduce the privacy enjoyed by the occupants of adjoining properties; should provide a suitable degree of amenity space; and should meet required parking standards. Policy DC4 of the DPD also outlines the above and states that the living rooms of new units should not abut the bedrooms of

adjoining units. The specific criteria in terms of Policy DC4 are assessed throughout the course of this report.

7.3.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance the four flats would benefit from a communal rear garden area of approximately 255 square metres, which includes paved seating areas for the three flats on the ground floor. There would be 1 metre high obscure glazed screens on the perimeter of the paved seating areas that are located on an elevated patio area, which would prevent any undue loss of privacy. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

7.3.4 It is noted that the two houses to the rear of the site (approved under application P0659.08) had a rear garden depth of approximately 15 metres. The site layout for this planning application provides a rear garden depth of approximately 12 metres for these two dwellings, which is deemed to be acceptable.

7.3.5 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. This proposal is for the conversion of the existing dwelling into 4 no. one bedroom flats.

7.3.6 The London Plan seeks a minimum internal floor area of 50 square metres for a flat with one bedroom and 2 bed spaces. The three one bedroom flats would have internal floor areas of approximately 55, 65 and 68 square metres, which is acceptable. The one bedroom maisonette would have an internal floor area of approximately 87 square metres, which is acceptable.

7.4 Impact on local character and street scene:

7.4.1 No objections are raised the demolition of the conservatory and part of the single storey side extension. It is considered that the proposed external changes would integrate satisfactorily with the existing dwelling and the streetscene.

7.5 Impact on amenity

7.5.1 With regard to amenity issues, consideration should be given to future occupiers of these flats and also the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable

overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

7.5.2 In respect of the sub-division, Policy DC4 states that applicants will normally be encouraged to provide living rooms in new units which do not abut the bedrooms of adjoining dwellings. It is considered that the internal layout of the flats complies with Policy DC4. It is considered that the flats have a reasonable outlook and aspect.

7.5.3 In terms of loss of privacy it is considered that the external alterations and converting the existing dwelling into four one bedroom flats would not add to the overlooking that currently exists. Following a site visit, it is noted that there is no boundary treatment between the two dwellings to the rear of the site and the application dwelling. Details of boundary fencing will be secured by condition if minded to grant planning permission.

7.5.4 It is considered that the proposal would not adversely affect No. 2 Lee Gardens Avenue or No.'s 7, 9, 11 and 15 Dury Falls Close, as they are located on the opposite side of the road. It is considered that the proposal would not adversely affect No.'s 10 to 26 Dury Falls Close, as their rear gardens provide a separation distance of approximately between 10 to 18 metres.

7.5.5 It is Staff's view that the proposal would not result in a significant loss of amenity to the two new dwellings to the rear of the application site (which front onto Dury Falls Close), as there would be a back to back distance of approximately 24 metres between the rear façade of the conservatories of these dwellings and the rear façade of the application dwelling. The first floor bathroom and en-suite windows on the rear façade of the building will be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission.

7.5.6 It is Staff's view that the proposal would not result in a significant loss of amenity to No.'s 6 and 8 Dury Falls Close, as they are sited at an oblique angle to the application site and there would be a minimum back to back distance of approximately 20 metres between the rear façade of No. 6 Dury Falls Close and the rear façade of the existing single storey rear projection of the existing dwelling.

7.6 Highway/parking issues

7.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 1.5 to 2 spaces per unit. The proposal complies with Policy DC2, as there would be eight spaces on hardstanding (including a disabled space), which equates to two spaces per flat. The Highway Authority has no objections to the proposals. The Fire Brigade is satisfied with the proposals.

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

8.1 The application seeks consent for the conversion of the existing six bedroom house to 4 no. one bedroom flats, external alterations, the demolition of a conservatory and part of a single storey side extension and as such, is not liable for Mayoral CIL.

## **9. Planning Obligations**

9.1 A Section 106 Legal Agreement is required to secure a financial contribution to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document. In this case there is an increase in the number of residential dwellings by 3. However, in this case, there is a fallback position where planning permission P0659.08 is still capable of implementation, providing 2 dwellings. It is therefore considered that the appropriate increase in 2 dwellings, resulting in a Section 106 contribution of £12,000.

## **10. Conclusion**

10.1 The conversion of the dwelling into 4 no. one bedroom flats is considered to be acceptable in principle and no objections are raised to the demolition of the conservatory and part of a single storey side extension. It is considered that the external alterations would integrate satisfactorily with the existing dwelling and the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £12k towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

### **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

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

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

**BACKGROUND PAPERS**

Application form, plans a design and access statement received on 21<sup>st</sup> September 2012 and revised plans submitted on 19<sup>th</sup> November 2012.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

25 April 2013

<b>Subject Heading:</b>	<p><b>Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Land comprising part of the service road over the Liberty Centre in the area zebra hatched on the plan annexed to this report</b></p> <p><b>(Application received 25<sup>th</sup> February 2013)</b></p>
<b>Report Author and contact details:</b>	<p><b>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</b></p>
<b>Policy context:</b>	<p><b>Local Development Framework</b></p>
<b>Financial summary:</b>	<p><b>None</b></p>

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

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

**SUMMARY**

This report relates to an application received on 25<sup>th</sup> February 2013 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1582.11 which was subject to a

minor non-material amendment under reference N0002.13). The planning permission (planning reference P1582.11 which is a renewal of planning permission reference P1409.08 with alteration to the façade on Market Place) involves the partial demolition of the Liberty Shopping Centre and the construction of new retail floor-space, demolition of bridge to existing service road and associated works to alter the servicing area (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (entitled ‘Proposed Stopping Up of the Highway at the Liberty Centre’ drawing number 30433/005AC revision C) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

## **RECOMMENDATIONS**

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

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

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

## REPORT DETAILS

- 3.1 On 15th December 2011 the Council resolved to grant the Planning Permission (planning reference P1582.11) subject to completion of a Section 106 agreement for a development comprising the partial demolition of the Liberty Shopping Centre and the construction of new retail floor-space, demolition of bridge to existing service road and associated works to alter the servicing area. The Planning Permission was issued on 30th March 2012. Minor changes have been made to the area of stopping up to reflect the minor amendments to the proposals. These amendments were accepted as non-material by Havering Council in their decision notice dated 12th February 2013 under reference N0002.13.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway which comprises a service bridge forming part of the service road over the Liberty Centre. The Plan annexed also shows grey shaded areas of "Highway to be provided" which includes highway works to alter the service road. These works will require the developer to complete highway agreements with the Council as Highway Authority and the stopping up of the highway on the service road is subject to the prior completion of the relevant highway agreement/s and the prior provision of highway to alter the servicing arrangements as the Council as Highway Authority consider necessary. In the context of these works Streetcare staff consider that the highway can work effectively.
- 3.3 The section of public highway to be stopped up is: 28.5 meters in length and 9.8 to 12.5 meters in width and forms part of the service road over the Liberty Centre and is shown zebra hatched on the Plan annexed to this report.
- 3.3 The development involves building on land which includes the said area of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable

development to be carried out in accordance with a planning permission.

- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

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

### 4.2 **Legal Implications and Risks:**

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

### 4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

### 4.4 **Equalities and Social Inclusion Implications:**

None that are directly attributable to the proposal.

## CONCLUSION

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development which involves

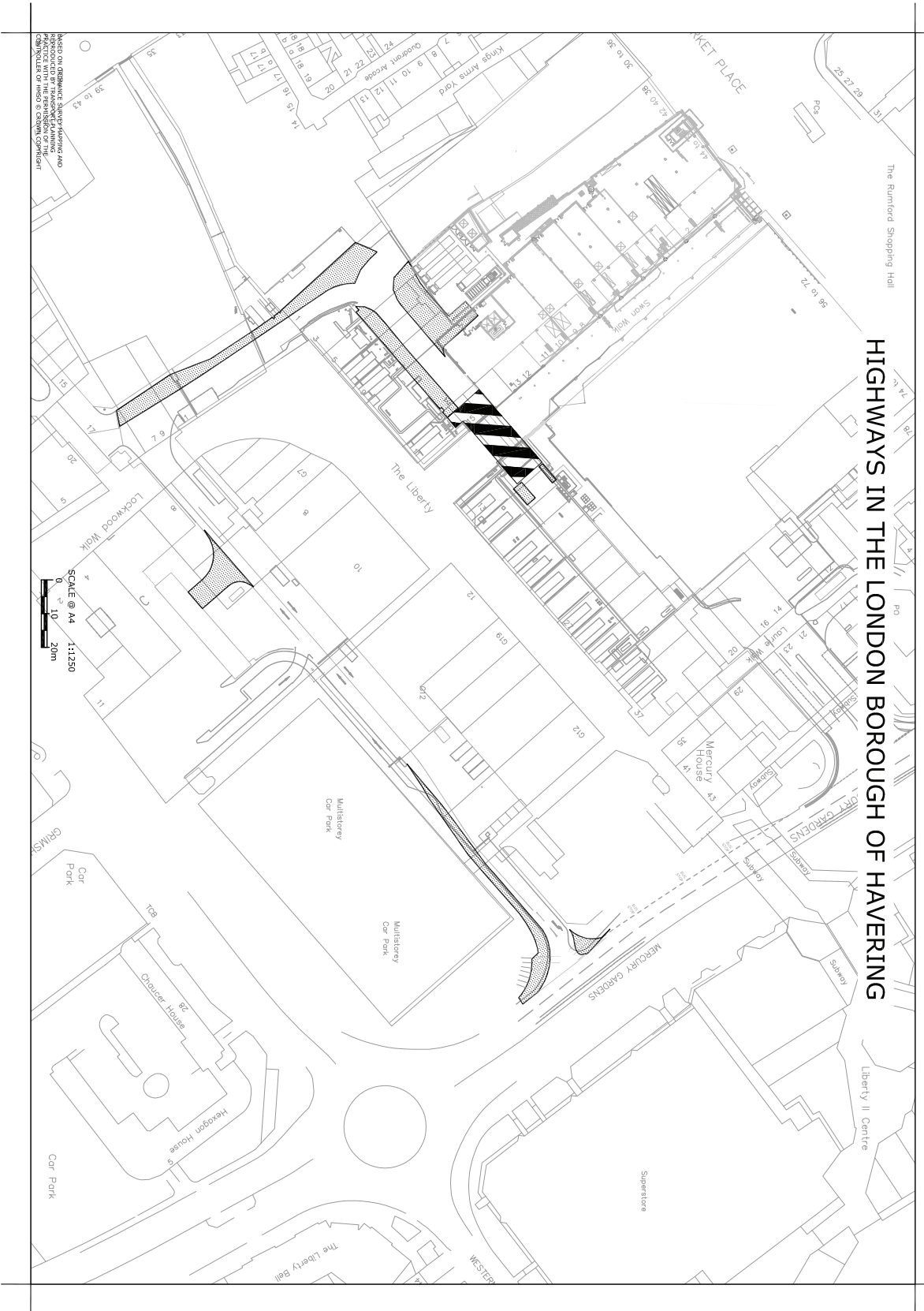
the partial demolition of the Liberty Shopping Centre and the construction of new retail floor-space, demolition of bridge to existing service road and associated works pursuant to the Planning Permission (reference P1582.11 subject to a non-material minor amendment issued under reference N0002.13). It is therefore recommended that the necessary Order is made and confirmed.

**Background Papers List**

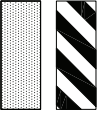
1. Report of Regulatory Services Committee dated 15<sup>th</sup> December 2011 which resolved to grant planning permission, subject to completion of a Section 106 agreement under planning reference P1582.11.
2. Plan (Title 'Proposed stopping up of highway at the Liberty Centre' drawing number 30433/005AC revision C) showing the area to be stopped up

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# HIGHWAYS IN THE LONDON BOROUGH OF HAVERING



**KEY:**



Highway to be stopped up  
 Highway to be provided

BASED ON EXISTING AIR PHOTOGRAPHY AND  
 REPRODUCED BY TRANSPORT PLANNING AND  
 DESIGN LIMITED TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.  
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION.

SCALE @ A4 1:1250  
 0 5 10 20m

## LIBERTY CENTRE, ROMFORD

Proposed stopping up of highway at the  
 Liberty Centre

## TRANSPORT PLANNING PRACTICE

70 Cowcross Street  
 London, EC1M 6EL  
 t: 020 7608 0008  
 w: www.tppweb.co.uk



DATE (REV A)	DRAWN BY	CHECKED
13/02/13	REV	-

DRAWING NUMBER  
**30433/005AC**  
 REV  
**C**

This drawing has been prepared for planning purposes and should not be used for construction.

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# REGULATORY SERVICES COMMITTEE

25 April 2013

# REPORT

Subject Heading:

Proposed variation of Section 106 agreement dated 28<sup>th</sup> March 2012 in connection with planning permission P0759.11 Former Woolpack Public House and Car Park, Angel Way, Romford:

Change of use of ground floor of no.48 High Street to retail/financial and professional services/restaurant or café use (classes A1/A2/A3) and the conversion of the upper floors of this building to 4 no. dwellings; the erection of a part 3/5/6/8 storey building to provide 70 no. dwellings, together with associated landscaping, amenity space, car and cycle parking.

The development proposed 6 units of affordable rented housing, which would be the three and four bed units within the development. The requested Deed of Variation would provided 100% affordable units split between 41 dwellings for Affordable Rent in partnership with a Registered Social Landlord and 33 Shared Ownership Units.

Report Author and contact details:

Vincent Healy  
Legal Manager  
[vincent.healy@havering.gov.uk](mailto:vincent.healy@havering.gov.uk)  
01708 432467

Policy context:

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

**Financial summary:**

None

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

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

**SUMMARY**

This report relates to proposals for residential development for 74 residential units on land at former Woolpack Public House and car park, Angel Way, Romford. The site has the benefit of planning permission (under planning reference P0759.11) which was subject to a Section 106 legal agreement completed on 28<sup>th</sup> March 2012 (the original agreement) and which in turn was subject to a resolution to grant planning permission under Section 73 of the Town and Country Planning Act 1990 to amongst other things vary Conditions conditions 7, 9, 24, 25, 38 and 40 of planning permission P0759.11 under Planning Reference P1498.12. The owners have requested a deed of variation on the following terms:-

The Section 106 Agreement (the original agreement) which may be subject to a separate Deed of Variation pursuant to a resolution of this committee of 4<sup>th</sup> April 2013 (copy attached) be varied by the terms of a Deed of Variation of the original agreement as follows:

1. The definition of Affordable Housing Units be amended to read:  
"41 dwellings for Affordable Rent in partnership with a Registered Social Landlord and 33 Shared Ownership Units with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed in the East London Housing Partnership (or its successor).
2. The definition of Open Market Units be deleted. Clause 3.2 (b) be deleted. Clause 3.2 (c)(ii-iv) be deleted. Clause 3.2 (d) shall be renumbered as 3.2 (b). Clause 4.1 (b) be deleted and Clauses 4.1 (c), (d) and (e) be renumbered accordingly
3. In Clauses 5.2 and 5.3 the words "Open Market Unit" be deleted and replaced with "Affordable Housing Unit"

4. All other clauses in the Section 106 Agreement shall remain in full force and effect.
5. the Owner to bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed

## RECOMMENDATIONS

It is recommended that the variation of the Section 106 agreement dated 28th March 2012 pursuant to planning permission reference number P0759.11 by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved in the following terms:

1. The definition of Affordable Housing Units be amended to read:  
"41 dwellings for Affordable Rent in partnership with a Registered Social Landlord and 33 Shared Ownership Units with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed in the East London Housing Partnership (or its successor).
- 3 The definition of Open Market Units be deleted. Clause 3.2 (b) be deleted. Clause 3.2 (c)(ii-iv) be deleted. Clause 3.2 (d) shall be renumbered as 3.2 (b). Clause 4.1 (b) be deleted and Clauses 4.1 (c), (d) and (e) be renumbered accordingly
3. In Clauses 5.2 and 5.3 the words "Open Market Unit" be deleted and replaced with "Affordable Housing Unit"
4. All other clauses in the Section 106 Agreement shall remain in full force and effect.
5. the Owner to bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed

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. The site subject to the request for a deed of variation of the original agreement 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. The site has planning permission for residential development comprising the change of use of ground floor of no.48 High Street to retail/financial and professional services/restaurant or café use (classes A1/A2/A3) and the conversion of the upper floors of this building to 4 no.dwellings; the erection of a part 3/5/6/8 storey building to provide 70 no.dwellings, together with associated landscaping, amenity space, car and cycle parking (under planning permission reference P0759.11). Permission for the development was granted subject to a number of planning conditions, as well as a Section 106 legal agreement signed and dated 28th March 2012.
2. The Council entered into an Option Agreement dated 27<sup>th</sup> February 2006 and an Agreement for Lease dated 1<sup>st</sup> September 2006 to secure amongst other things the provision of 25 disabled car parking spaces. This provision was required to compensate for the loss of disabled parking spaces on site through redevelopment of the site. Provision has yet to be made by the developer in accordance with the Option Agreement and the Council has in the interim negotiated a Deed of Variation and Agreement for Variation of the Option Agreement and Agreement for Lease to secure the Disabled Car Parking Provision Contribution of £400,000. The Disabled Car Parking Provision Contribution of £400,000 has now been paid in full.
3. Subsequent to the completion of the original agreement and the issuing of the planning permission under application reference P0759.11, the applicants requested that the council's housing Department consider a change to the original agreement so that 100% of the 74 dwelling units be provided as affordable housing instead of the 6 units proposed as affordable units in the original agreement which represents 8% of the 74 dwelling units..

4. The Housing and Planning departments support the request subject to 33 of the affordable units being provided on a shared ownership basis with nomination rights reserved on the basis of arrangements confirmed in the East London Housing Partnership,. The shared ownership arrangement and the affordable rented units align with the requirements of the Greater London Authority (GLA) which now holds in London those affordable housing investment powers previously exercised nationally by the Homes and Communities Agency (HCA). Staff considered that the proposed changes fall within the amended definition of affordable housing in Annex 2 of the National Planning Policy Framework NPPF).
5. A viability appraisal was been submitted with the application and it demonstrated the maximum amount of affordable housing provision which could then be supported by the development. That viability assessment report was independently assessed and the conclusions of the report were accepted. This justified the provision of 6 affordable housing units or 8% of the overall number of units. The applicants a housing association have support from the GLA and they can now provide 100% affordable units which exceeds the requirements of LDF Policy DC6 and Policies 3.11-3.13 of the London Plan.
6. All of the other planning conditions and planning obligation would be unchanged save as outlined in the recommendation
7. **Conclusion**
- 7.1 Staff consider that the proposed variation of the original agreement is broadly acceptable and in line with the revised definitions in Annex 2 of the NPPF of March 2012.

## IMPLICATIONS AND RISKS

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

No direct financial implications or risks

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

Legal resources will be required for the variation of the legal agreement.

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

None.

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

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will assist in the provision of affordable housing within the Borough and contributes to the Council's equality objectives by providing accommodation tailored towards the specific needs of Borough residents.

### **BACKGROUND PAPERS**

1. Report to Regulatory Services of 27<sup>th</sup> October 2011 pursuant to planning reference P0759.11.
2. Report to Regulatory Services Committee of 4<sup>th</sup> April 2013 (Item 6) pursuant to planning reference P1498.12.

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

## 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.

## 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 lbstock 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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