



## REGULATORY SERVICES COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 6 June 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:  
Richard Cursons (01708 432430)  
E-mail: [richard.cursons@havering.gov.uk](mailto:richard.cursons@havering.gov.uk)**

## **AGENDA ITEMS**

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

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

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

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

### **4 MINUTES** (Pages 1 - 30)

To approve as a correct record the minutes of the meetings of the Committee held on 4 April, 25 April and 30 April 2013 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 31 - 58)

Reports attached

**6 P1200.12 - LAND AT KINGS GROVE REAR OF 5-11 CARLISLE ROAD, ROMFORD**  
(Pages 59 - 68)

Application for the variation of Condition 5 (accordance with plans) of P1875.10 and the variation of the related Section 106 agreement dated 15<sup>th</sup> December 2011 to enable the substitution of amended plans – development of 4 x 2-bedroom houses.

**7 P0187.13 - 198 HILLDENE AVENUE, ROMFORD** (Pages 69 - 74)

Single storey rear extension

**8 P1276.12 - PROPOSED VARIATION OF SECTION 106 AGREEMENT DATED 24 JANUARY** (Pages 75 - 80)

Proposed variation of Section 106 agreement dated 24<sup>th</sup> January 2013 in connection with planning permission P1276.12 Land adjacent to Hilldene Avenue, Hilldene Close, Bridgewater Road, Darlington Gardens & Northallerton Way, Harold Hill.

**9 P0376.13 - BRIAR SITE 90- GARAGE/PARKING COURT & OPEN SPACE BETWEEN 3 HAREBELL WAY, ROMFORD** (Pages 81 - 96)

Demolition of existing garages and erection of two storey building providing 2 houses ( 1 x 3 bed and 1 x 2 bed); creation of parking

**10 P0379.13 - BRIAR SITE 10C GARAGE COURT BETWEEN 52-54 MYRTLE ROAD AND 2 BARBERRY CLOSE, ROMFORD** (Pages 97 - 114)

Demolition of existing garages and erection of a pair of two storey semi-detached houses (2 x 3 bed); creation of parking

**11 P0385.13 - BRIAR SITE 10K 12-16 PIMPERNEL WAY, 89-95 CHATTERIS AVENUE & 1-6 LUCERNE WAY AND OPEN SPACE BETWEEN 1 LUCERNE WAY & 95 CHATTERIS AVENUE, ROMFORD** (Pages 115 - 132)

Demolition of existing garages and erection of two storey terrace providing three houses (3 x 3 bed); creation of parking

**12 P0393.13 - BRIAR SITE 1A- GARAGE/PARKING COURT, PIMPERNEL WAY, ROMFORD** (Pages 133 - 150)

Demolition of existing garages and erection of three, two/three storey houses (1 x 4 bed, 2 x 3 bed); creation of parking

**13 PLANNING CONTRAVENTION - 76 LOWER BEDFORD ROAD, ROMFORD** (Pages 151 - 158)

Report attached

**14 PLANNING CONTRAVENTION - LAND ADJACENT TO 167 UPMINSTER ROAD, UPMINSTER** (Pages 159 - 166)

Report attached

**15 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  
4 April 2013 (7.30 - 9.30 pm)**

**Present:**

**COUNCILLORS:** 11

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

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

**Labour Group** Paul McGeary

**Independent Residents  
Group** +David Durant

Apologies were received for the absence of Councillors Mark Logan.

+Substitute members: Councillor David Durant (Mark Logan)

Councillors Rebecca Bennett and Pam Light were also present for parts of the meeting.

8 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.

**184 P1497.12 - MELVILLE COURT SPILSBY ROAD, HAROLD HILL**

The report before members detailed an application for planning permission for a change of use from B1 to D1. The proposed change of use would cover an area of 800m<sup>2</sup>.

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

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

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

Members noted that the application had been called in by Councillor Barry Tebbutt to ensure consistency of the decision as the Council had previously been using a building on the site for educational purposes themselves.

With its agreement Councillor Pam Light addressed the Committee.

Councillor Light commented that the premises had been empty for a period of over twelve months despite extensive marketing.

Councillor Light also advised that there were several units on the site that remained empty and that this was a good opportunity increase usage of the units.

Councillor Light asked that the Committee give special consideration to the application and recommended approval.

During the debate members discussed the current levels of occupancy of the units on the site and the previous use of one of the buildings by the Council for educational purposes.

Members also debated whether there was a need for Local Authorities to be more flexible with applications of this type at a time where there are significant numbers of vacant commercial units. Members acknowledged that the application conflicted with Development Control Policies contained within the Local Development Framework but considered that there were special circumstances to justify a departure from policy that included the generation of employment and bringing a long term vacant unit back into use.

Members debated whether planning permission should be granted on a temporary basis. A majority of members held the view that the nature of the application, requiring the applicant to make a significant investment warranted a grant of planning permission for a period of ten years.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried with 10 votes to 0 with 1 abstention, It was **RESOLVED** to delegate to Head of Development & Building Control to grant planning permission, for a period of 10 years, subject to agreeing reasonable restrictive conditions on hours of use and the nature of use within Class D1. If the Council was unable to

satisfactorily agree with the applicant, the aforementioned conditions, then the application would be brought back to the Committee.

The reasons for approval were that: the application would bring a long term vacant unit back into use; there is an end user in place; the application would revitalise activity in the industrial estate with a deterrent effect on crime; the application would generate employment and provide a much needed community facility; there would be no adverse effect on traffic or parking.

The vote for the motion to approve and the resolution were both carried by 10 to 0 with 1 abstention.

Councillor Durant abstained from voting.

185 **P0082.13 - 9 STEPHEN AVENUE, RAINHAM**

The report before members detailed an application which sought permission for the extension of an existing semi-detached pair of properties, to create a new three bedroom, two storey dwelling. The proposal also involved the addition of a first floor rear addition to the donor property, No. 9.

Members noted that the application had been called in by Cllr Barry Oddy in order to ensure that there were consistent decisions in relation to corner plots.

With its agreement Councillor Rebecca Bennett addressed the Committee.

Councillor Bennett commented that were several similar corner plot sites across the borough that had been granted planning permission for additional dwellings. Councillor Bennett noted that no objections had been received from neighbouring occupiers.

Councillor Bennett also advised that she felt the application would fit in well within the streetscene, that the area had good transport links and asked that the Committee grant planning permission.

During the debate members discussed parking issues at the site and agreed that no parking should be allowed to the front of the site. Members gave consideration to the separation distance between the new development and the footway, noting that it did not meet minimum standards for separation distance as set in guidance. A Member took the view that the proposed development was too bulky for the site. Members noted that there were a number of existing examples of similar corner plot developments in close proximity to the application site that failed to meet existing standards for separation distance.

Members noted that the application qualified for a Mayoral CIL payment of £1,720.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried by 9 votes to 1 with 1 abstention. It was **RESOLVED** to delegate to Head of Development & Building Control to grant planning permission, contrary to recommendation, subject to prior completion of a legal agreement (infrastructure tariff and legal fees) and subject to conditions covering the following:

- Time limit
- Materials
- No parking at front
- Landscaping
- Boundary treatment
- Windows (obscured glazing)
- Parking provision
- Permitted development restriction
- Construction hours.

The reasons for approval were that the siting and design of the development was in keeping with the prevailing character of the local area and streetscene. The development does not present harm to visual or residential amenity.

The vote for the motion and the resolution were both carried by 9 votes to 1 with 1 abstention.

Councillor Durant voted against the motion and resolution to grant planning permission.

Councillor McGeary abstained from voting on the motion and resolution to grant planning permission.

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

Members considered a report which detailed an application which related to the conversion of a mixed use building B1 (commercial) into A1 use (plumbing supplies) at the lower ground floor and four self-contained flats over the lower ground, ground and 1st floors.

With its agreement Councillor Pam Light addressed the Committee.

Councillor Light commented that although she had no issues with the conversion of the building she did have concerns regarding the lack of parking that was available on the site and in the adjacent roads. Councillor Light asked that the Committee give consideration to the possibility of increasing car parking at the site.



During a brief debate members received clarification that each of the 4 flats had 1 allocated parking space and that there was insufficient space for any further parking provision.

Members noted that the development qualified for a Mayoral CIL payment of £5,040 and **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 £24,000 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, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement 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 and to also amend condition 3 to require a scheme of allocation of parking spaces to be submitted by the applicant.

**187 P1726.11 - BEREDENS FARM, FOLKES 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.

**188 P0761.12 - 17 HALL LANE, UPMINSTER**

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

Members noted that the application had previously been called in by Councillor Clarence Barrett on the grounds that the extensions would be out of character and overbearing in the street and would impact on light. The

Chairman advised members that Councillor Barrett had since withdrawn his call in following discussions with the applicant.

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

During a brief debate members discussed the possibility of adding extra condition covering Permitted development rights and sub-division of the dwelling.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional three conditions covering removal of Permitted development rights, No subdivision of the dwelling and confirmation of construction hours.

189 **P0949.12 - 4 ELMER GARDENS, SOUTH HORNCHURCH**

This item was deferred at the Chairman's request to allow the "calling-in" member the chance to address the Committee at a later date.

190 **P1196.12 - 8 FAIRLAWNS CLOSE, EMERSON PARK, HORNCHURCH**

Members considered the report and that the development qualified for a Mayoral CIL payment of £4,084.00 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

191 **P1241.12 - 2 FESTIVAL COTTAGES, NORTH ROAD, HAVERING-ATTE-BOWER**

The report before members detailed a retrospective planning application seeking permission for a single storey outbuilding.

Following a brief presentation of the plans it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

192 **P1415.12 - 77/79 BUTTS GREEN ROAD, HORNCHURCH**

The report before members detailed an application for a variation of Condition 9 of the approval granted on appeal (Planning Ref.P1495.11). This condition related to delivery/servicing hours and the proposal was to enable the delivery of newspapers/magazines outside the times currently indicated in Condition 9.

The application had been deferred from a previous Regulatory Services Committee at Officer's request in order to assess a late amendment put forward by the applicant to alter the proposal by seeking to have three deliveries between 5am and 7am. Staff also wished to include a full set of

conditions that would be related to the original scheme and reflected details already approved.

Members were advised that condition 1 in the report should have read 1 August 2014 and not 3 April 2014 as stated.

During the debate members considered the potential affect of the proposal on the amenity of neighbouring occupiers. Members considered the acceptability of the hours proposed by the applicant for newspaper deliveries. Members concluded that the hours proposed were not acceptable.. A member noted that the application if granted would permit all 3 deliveries to the application site to be made at an unacceptably early hour of the morning. Members considered the proposal to be detrimental to the amenity of neighbouring occupiers.

The report recommended that planning permission be granted, however following a motion to refuse planning permission It was **RESOLVED** that planning permission be refused on the grounds that the early morning deliveries/activity would cause material noise and disturbance harmful to the amenity of nearby residents.

193 **P0025.13 - FORMER LANDFILL SITE, SOUTH EAST OF EASTER PARK, COLDHARBOUR LANE, RAINHAM**

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

The proposal was to place a new cap over the top of the existing land mass using imported materials, following some excavation of the existing landmass to re-level the land. The cap would comprise various layers, including a compensation layer of material to even out the existing surface, a geomembrane sealing layer, a drainage layer, and soils. These layers, which would have a total depth of approximately 1.3m, would be completed by a landscaping scheme.

Officers advised that no objections had been received from Highways, Transport for London or Natural England.

It was **RESLOVED** that planning permission be granted subject to the conditions as set out in the report and to include to further conditions covering the details of access to the site and a construction method scheme (Condition 15) to include any lorry routing not to go through Rainham Village.

194 **P1498.12 - WOOLPACK INN & CAR PARK, ANGEL WAY. VARIATION OF CONDITIONS**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a 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 29th 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 conditions as set out in the report:

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

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 31 October 2005 in respect of planning permission P2078.03 and amended by planning permission U0011.06 to vary the definition of Planning Permission which shall mean either planning permission P2078.03 as originally granted, planning permission P2078.03 as varied by Planning Permission U0011.06, or planning permission P1901.11 as proposed and set out in the report.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 agreement dated 31 October 2005 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

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

196 **P0079.13 - PARSONAGE FARM PRIMARY SCHOOL, FARM ROAD,  
RAINHAM**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition covering working hours

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**Chairman**

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# Public Document Pack

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
25 April 2013 (7.30 - 10.05 pm)**

**Present:**

**COUNCILLORS:** 11

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

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

**Labour Group** Paul McGeary

**Independent Residents  
Group** +David Durant

An apology for absence was received for the absence of Councillor Mark Logan

+Substitute members Councillor David Durant (for Mark Logan)

Councillors Steven Kelly, Roger Ramsey, Paul Rochford, Linda Van den Hende  
and Lawrence Webb were also present for parts of the meeting.

30 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.

## 197 **DISCLOSURE OF PECUNIARY INTERESTS**

Councillor Barry Tebbutt declared a prejudicial interest in item P0827.12.  
Councillor Tebbutt advised that he owned a property in close vicinity to the  
application site. Councillor Tebbutt left the room during the discussion and  
took no part in the voting.

## 198 **MINUTES**

The minutes of the meetings held on 21 February, 7 March and 14 March  
were agreed as a correct record and signed by the Chairman.

199 **P1332.12 - 44 NELMES WAY, EMERSON PARK, HORNCHURCH**

The report before members detailed an application that sought consent for the demolition of the existing property and the erection of a replacement two storey dwelling.

Members were advised that the application had been called in by Councillor Paul Rochford on the grounds of, size and overbearing nature.

Members were also advised that the application had also been called in by Councillor Roger Ramsey on the grounds of its impact on neighbouring occupiers.

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

With its agreement Councillors Rochford and Ramsey addressed the Committee.

Councillor Rochford commented that he opposed the application due to its bulk, scale and overbearing nature and also confirmed that the application was not in keeping with the Emerson Park Supplementary Planning Document (SPD).

Councillor Ramsey commented that the proposal would have an impact on the neighbouring properties. Councillor Ramsey also confirmed that he had been approached by the applicant who was concerned with the delay that he was experiencing in obtaining planning permission.

During the debate members discussed concerns they had regarding the possible breeches of the Emerson Park SPD that were being brought before the Committee on a regular basis.

It was **RESOLVED** that Planning permission be refused on the grounds that 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. The reasons for refusal were as follows:-

1. 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. 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. 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.

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

On the advice of staff it was RESOLVED that consideration of the matter be deferred to enable the item to be re-presented following consideration of representations by the applicant.

**201 P1155.12 - 64 WINGLETYE LANE, HORNCHURCH - CONVERSION OF A SIX BEDROOM HOUSE TO 4 ONE BED FLATS, EXTERNAL ALTERATIONS, DEMOLITION OF CONSERVATORY AND PART OF A SINGLE STOREY SIDE EXTENSION.**

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

- A financial contribution of £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 as set out in the report.

202 **P0173.13 - LAND SOUTH OF HAROLD HILL HEALTH CENTRE, GOOSHAYS DRIVE, HAROLD HILL**

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

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

With its agreement Councillor Lawrence Webb addressed the Committee.

Councillor Webb commented that he had concerns that whilst the construction works were taking place that visitors to the nearby community centre would be forced into walking in the road unless a temporary footpath was established. Councillor Webb asked that consideration be given to provision of a temporary footpath.

During the debate members discussed the possible provision of a temporary footpath being used during the construction period, the possible retention of trees and the provision of disabled parking spaces.

A discussion also took place regarding the introduction of a landscaping scheme.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to the following additional conditions the precise wording of which be delegated to the Head of Development and Building Control:

- Construction method statement to include access arrangements for pedestrian users of adjacent pavement during works.
- Landscaping to include replacement of lost trees
- Details of disability access for users of the car park
- Details of car park layout including provision of disabled bays
- And the lighting condition (no. 5) was to be discharged in consultation with Streetcare (to see whether scope for a shared scheme with the adjacent highway lamp columns)

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

The report before members sought planning application for 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.

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

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

Councillor Van den Hende commented that the application site was on Green Belt land and that the proposal was detrimental to the adjacent occupiers.

Councillor Van den Hende also made reference to an assessment made by the Environment Agency that explained that the application site was at risk from flooding.

Councillor Van den Hende asked that consideration be given to additional conditions covering noise, lighting and the possible prevention of risk from fireworks.

Councillor Van den Hende asked that the Committee reject the application as it was felt that the proposal was an inappropriate development within the Green Belt.

Following a question, officers clarified that they had seen no evidence of the assessment by the Environment Agency confirming that the application site was at danger from the risk of flooding. Officers confirmed that if the Environment Agency submitted an objection to the proposal on the grounds of possible flooding then the scheme would be remitted back to the Committee for consideration.

During the debate members discussed the possible operating months of the holiday park and parking provision on the site.

Following a motion to limit the operating months of the proposal to eight months of the year, that motion was lost by six votes to five. A further motion was put forward for the operating months of the proposal to be extended to nine months of the year. This motion was carried by 10 votes to 0 with 1 abstention. Councillor Barry Tebbutt abstained from voting.

It was **RESOLVED** that subject to the Environment Agency having no objections on flood risk grounds(if such objection was received the proposal would be remitted to the Committee for further consideration), 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 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 9 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 29th August 2002;
  2. Certificate reference E0012.11 issued on 6th March 2012; and
  3. Certificate reference E0022.12 issued on 8th 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 staff be delegated to secure adjustments to the Section 106 agreement to include:

(A) Section 106 to incorporate along with the obligations above:

- a) 9 month season only (the dates to be agreed with the applicant and in default of agreement set by the Council)
- b) No caravans on site
- c) No tents on site
- d) Site management strategy including to control disturbance
- e) BBQ's on hardstands
- f) Identification of unit for security and management – not to be used independently but tied to the holiday letting use
- g) People engaged in any site maintenance not to live on site at any time.
- h) Phasing and completion strategy prior to use (to prevent any development being a hybrid of part existing/part new use)

(B) Conditions:

- No storage unless incidental to enjoyment of holiday lets
- No parking and/or storage of commercial vehicles or plant
- Provision for disabled parking

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

204 **P0949.12 - 4 ELMER GARDENS, SOUTH HORNCURCH - VARIATION OF CONDITION 2 OF APPEAL DECISION APP/B5480/A/04/1163663 TO OPEN PREMISES ON SATURDAYS BETWEEN 7AM AND 2PM**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted but with a revision to condition 1 (hours) to restrict opening hours to 8am-2pm only.

205 **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 THE REPORT**

The Committee considered the report and without debate **RESOLVED** that 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 were 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 Plan as the land was required to enable development for which the Council had granted the Planning Permission.
- 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.

206 **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**

The Committee considered the report and without debate **RESOLVED** that It was 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).
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's legal costs in respect of the preparation of the legal agreement irrespective of whether or not it was completed

The planning obligations recommended in the report had been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were 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.

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

The report before members detailed an application that proposed the change of use of the premises from a retail unit (A1) to a children's nursery (D2). The use would be established on the ground floor only.

Officers reminded members that the application had been deferred from the Committee meeting held on 14 March 2013 in order for the application to be advertised as a departure from Council Policy DC16.

Members noted that the application had been called in by Councillor Steven Kelly on the grounds that the proposal was regarded as an area of special community need and as such should be given special consideration.

With its agreement, Councillor Steven Kelly addressed the Committee.

Councillor Kelly asked that special consideration be given to the proposal as the premises had been vacant for a significant period of time and that the proposal would be bringing an empty unit back into beneficial use.

During the debate members discussed the drop off and pick up areas connected with the site, provision of play areas and the number of children attending the nursery.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried by 9 votes to 0 with 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: standard time condition, hours of use, limit on child numbers to accord with day nursery registration, limit on outdoor play numbers to accord with day nursery registration and use as a day nursery only within use class D1.

The reason for approval based on the reasoning of members in balancing policy in particular PolicyDC16 against all other material considerations was that no harm to the retail viability if the use was restricted to a day nursery, brought a long term vacant unit back into beneficial use, use for a day nursery benefitted the community and the proposal contributed to economic growth in accordance with the National Planning Policy Framework.

The vote for the resolution to grant planning permission was carried by 10 votes to 0 with 1 abstention.

Councillor Hawthorn abstained from voting.

208 **P0827.12 - PALMS HOTEL, SOUTHEND ARTERIAL ROAD, HORNCHURCH - 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)**

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

- Complete wording in condition 3 in accordance with standard wording (materials)

- Reason added for condition 7 (cctv) in accordance with standard wording
- Reason added for condition 8 (travel plan) in accordance with standard wording
- Add 'construction' before 'deliveries' (twice) in condition 12

*As stated at the beginning of the minutes Councillor Barry Tebbutt declared a prejudicial interest in item P0827.12. Councillor Tebbutt advised that he owned a property in close vicinity to the application site. Councillor Tebbutt left the room during the discussion and took no part in the voting.*

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**Chairman**



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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
30 April 2013 (7.30 - 10.25 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 Councillor Steven Kelly (for Sandra Binion) and Councillor David Durant (for Mark Logan)

Councillors Andrew Curtin, Wendy Brice-Thompson, Melvin Wallace, Pat Murray, Jeffrey Tucker and Michael Deon Burton 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.

No declarations of interests either personal or prejudicial were made. Councillor Durant sought guidance on whether Cabinet Members voting on the planning proposals who had supported in Cabinet disposal and acquisition of sites including the application sites would mean that the planning process would be vulnerable to challenge. He was advised that these were separate processes. A vote by the Cabinet to negotiate a land disposal & acquisition did not by itself amount to a closing of minds to the planning merits of detailed proposals for the relevant sites. All members of the planning committee should come to committee without closing their minds to the proper planning considerations raised by the proposals and that it was up to each individual member to determine whether they should declare an

interest. The Chair asked again if there were any declarations of interest. No declarations of interest were made.

209 **P1492.12 - ROMFORD LEISURE DEVELOPMENT**

The report before members detailed an application which related to a proposed new public leisure development, including a swimming pool and ice rink, on a site located in Western Road, Romford. The proposals were a culmination of long term ambitions to re-introduce a swimming pool and public leisure facilities back into the centre of Romford. The proposals had been made possible through a land swap arrangement involving other land owned by the Council at Rom Valley Way, which currently housed the existing Romford Ice Rink. The Rom Valley Way site was now subject of a separate planning application, reported separately on the agenda, for a new Morrisons food store and residential development. Whilst both applications were separate there was a strong degree of linkage between the proposals, such that each would be considered with regard to the other.

The application had been through all of the statutory consultation processes, including consultation with the Greater London Authority (GLA) and these consultees were satisfied that the proposed provision of a new leisure facility on the site was entirely acceptable in principle. A wide range of planning issues, including factors such as design, layout, parking and cycling provision, environmental factors and impact on amenity had been considered, as set out in the report. Detailed consideration had also been given to other factors, such as continuity of ice rink provision and public realm improvements in Western Road which were linked with consideration of the proposals.

Staff were satisfied, having regard to all material factors, that the proposals were acceptable in principle and it was recommended that planning permission be granted, subject to no contrary direction from the Mayor for London and no call in from the Secretary of State under the notification procedures, the prior completion of a legal agreement with the GLA to secure Heads of Terms set out below and further subject to conditions as set out in the report.

The following updates were provided by officers:-

Officers referred to paragraph 7.3.4 of the report to correct any misapprehension. It was anticipated that the provision of a replacement leisure facility would take up to two years but it could be longer period depending on contractual position and other contingencies.

Officers referred to paragraph 7.4.12 of the report and confirmed that no further comments were received from GLA in respect of revised design.

Officers referred to paragraph 7.9.1 of the report, the reference to Planning Obligations SPD and replaced with reference to the Crossrail SPD which was adopted in April 2013. It was confirmed that this correction does not affect the fact that this development is not liable under the Crossrail SPD.

With its agreement Councillors Andrew Curtin, Jeffrey Tucker and Michael Deon Burton addressed the Committee.

Councillor Burton commented that he welcomed the re-introduction of a swimming pool back into Romford town centre and also stated that sport was an important part of everyday life. Councillor Burton was asked to confine his observations to planning issues related to the proposal and he raised concerns over the impact of overnight emptying of the swimming pool and the disposal of waste from the site.

Councillor Tucker commented that he wanted the project to work but had doubts whether such a large scheme would be profitable for the Council. Councillor Tucker also advised that he had concerns regarding the lack of parking that the proposal offered. He considered that it could not be a viable business without more on site parking provision

Councillor Curtin commented that he supported the recommendations contained in the report as the Council had previously committed to providing sporting facilities in the town centre. Councillor Curtin also advised that the proposal would ensure long term provision of ice skating facilities in the borough. Councillor Curtin considered that the proposal was supported by Development Plan policy that it had been carefully designed, was sustainable and fully accessible.

During the debate members requested further information in respect of CCTV provision, coach/car parking, proximity to the synagogue and other adjacent premises, whether the facility could be used for competitive ice hockey, whether opening hours are controlled, what the rear elevation will look like, provision of disabled access and the effect the proposal would have on other leisure centres in the borough.

In reply officers advised:-

- That the CCTV proposed in the application would be run independently of the Council's Town Centre CCTV system.
- That there were a number of car parks close to the proposed leisure facility and that there were a number of coach parking/drop off areas within the town centre including Grimshaw Way.
- The boundaries of the application site are in close proximity to some adjacent properties including the synagogue, Chaucer House and Hexagon House.
- Officers confirmed that the ice rink was designed to accommodate competitive hockey.
- Officers explained that the hours of operation of the café on the ground floor are controlled by condition however as the facility was of competition standard to facilitate its use by elite athletes outside hour of use by the public a restriction was not considered appropriate.
- Officers explained that the front and rear facades would not be materially different though as with most large buildings plant is located to the rear so there would be differences.

- Disabled spaces will be provided approximately 90 metres from the proposed front entrance and there will be a dropping off point closer to the entrance.

Members asked whether elements of the proposal would be cherry picked and that the ice rink element might not be built. Officers explained that the application was detailed and that there was an accordance with plans condition imposed. Members addressing concerns on parking identified a number of town centre sites for both car parking and coach drop off points. Members also pointed out the proximity to public transport links including Romford Station and numerous bus routes. Members sought clarification from the Council's highway engineers as to whether London Buses were considering routing buses down South Street after 9.30pm. It was confirmed that they are. Mention was also made of the proposal and how it sat within the streetscene. Members also queried possible maintenance issues of the façade of the building.

Members sought clarification of the arrangement in case of injury in light of the proposed floor level of the ice rink. Officers confirmed that each floor would be served by a lift. Staff clarified seating arrangements and numbers in response to a Member query. A member raised concerns over the viability of the proposed scheme with the unusual combination of swimming pool and ice rink. The Chair reminded members to confine consideration to the material planning considerations. A member sought some guarantee that the proposed scheme would be delivered. In response officers referred to the obligation which would form part of contractual term with the GLA to provide a facility.

The Committee noted that the development was liable for a Mayoral CIL of £133,920 and RESOLVED that the proposal was unacceptable as it stood but would be acceptable subject to

A: No direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008);

B: No call in from the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009: and

C: Prior completion of a legal agreement under the appropriate enabling statutory powers, including Section 1 of the Localism Act 2011, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 111 of the Local Government Act 1972 to secure the following:

- \* Secure provision of the new leisure facility
- \* Provision of improvement works to Western Road subject to successful bid for funding to Transport for London
- \* Provision of a training and recruitment scheme for local people to be employed during the construction period and operation of the facility.

Subject to recommendations A), B) and C) above that planning permission be granted subject to the conditions as set out in the report.

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

Councillor McGeary voted against the resolution to grant planning permission.

210 **P1537.12 - CHAUCER HOUSE AND HEXAGON HOUSE 28 WESTERN ROAD, ROMFORD**

This application before members was for the partial demolition of Chaucer House and Hexagon House, together with the provision of new fire escapes and relocation of air handling plants and reconfiguration of the car park. The works were required to be undertaken in order to enable the construction of a proposed new leisure centre on the car park adjacent to Chaucer House (application P1492.12). The proposal was considered to be acceptable in all material respects and it was recommended that planning permission be granted.

Members sought clarification on the proportion of the office space in Chaucer House and Hexagon House which was currently vacant. The information was not to hand. Members also sought clarification on the procedure for notification of the Mayor for London and the Secretary of State. The process was explained.

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

211 **P1468.12 - ROMFORD ICE RINK, ROM VALLEY WAY, ROMFORD**

This application before members related to a proposed development on the site of the existing Romford Ice Rink in Rom Valley Way. The proposal was a hybrid application, consisting of a full application for a new supermarket and petrol filling station and an outline application for a residential development of up to 71 units. The proposals had been made possible through a land transaction, which enabled the Council to separately pursue the redevelopment of a site in Western Road to provide a new public leisure facility, including a swimming pool and an ice rink. Whilst both applications were separate there was a strong degree of linkage between the proposals, such that each had to be considered with regard to the other.

The application had been through all of the statutory consultation processes, including consultation with the Mayor's office and Staff are satisfied that the proposed development is acceptable in principle, although this was predicated on ensuring delivery of a leisure facility to replace that being lost from the application site i.e. securing a replacement for the existing ice rink. There was a need for a legal agreement to ensure the delivery of the leisure element. A sequential test approach had been applied

to the acceptability of providing a new retail supermarket outside of the existing town centre, in line with the National Planning Policy Framework, and the location of the proposed development was considered to be justified and appropriate.

Consideration had been given to a wide range of planning issues, including factors such as design, layout, parking, access issues, relationship with neighbouring land uses and environmental factors. Detailed consideration had also been given to the loss of the existing ice rink and the consequent impact on the current users of the facility.

Staff were satisfied, having regard to all material factors, that the proposals were acceptable in principle and it was recommended that planning permission be granted, subject to no contrary direction from the Mayor for London or call in from the Secretary of State under the referral procedures, the prior completion of a legal agreement and conditions.

The following updates were given by officers:-

- The financial contribution for highways and transportation related improvements within the vicinity of Queens Hospital was confirmed by the applicant as £30,000;
- Conditions 32 and 33 will be amended to refer to parameters plan number SK-101;
- Paragraph 7.4.8 of the report which suggests the likely period of up to two years between closure of the ice rink and re-provision could be longer depending on contractual position;
- Paragraph 7.5.4 of the report addresses the issue of the request for an additional lane. Further representation were received from interested parties which were addressed by officers;
- CIL liability which is referred to at paragraph 7.10.5 of the report is not finally determined and officers advised that this did not preclude Members from reaching a decision this evening. The value of the Mayoral CIL and that for Crossrail are calculations that can be finalised before a decision notice is issued;
- Additional letters of representation were received and read in summary: one from Inaltus on behalf of Asda Stores and a letter in response from Chase and Partners in response.

Officers explained that for the reasons set out within the report they were satisfied that the proposals were acceptable in respect of retail policy. The objections received do not change the position stated within the report. A further letter was received and read in summary from Barking, Havering and Redbridge University Hospitals NHS Trust, emailed to Members

directly. A further letter from Transport for London (TfL) was read in summary.

In response officers stated that they were satisfied that the additional access lane is not needed as a direct result of the proposal. The cases put forward by the applicant and the NHS Trust have been carefully considered and the Officer's report set out the conclusions reached in this respect.

In respect of the Pedestrian Link while officers recognise that the provision of the pedestrian link between the store and the bus station would be beneficial, it was acknowledged that the prospects for delivering the pedestrian link are limited given that the land is outside of the applicants' ownership. It was further noted and welcomed that the Trust are willing to discuss access over its land with the Council and the applicant. However, the Trust's offer in this respect is subject to the applicant being obligated to provide the extension to the extra access lane. Given the conclusions reached in the report about the additional lane, an agreement is not possible in this respect. However, to ensure that there is a commitment to examine the pedestrian link further, an obligation is recommended within the legal agreement which requires the applicant to use reasonable endeavours to negotiate with the Trust to enable this to happen.

The letter from the Trust also questioned provision of Public Open Space and the perceived absence of a financial contribution. Officers explained that part of the Planning Obligations payment could be used towards improvements to the open space.

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

With its agreement Councillors Andrew Curtin, Jeffrey Tucker and Michael Deon Burton addressed the Committee.

Councillor Tucker commented that he had concerns regarding access and egress to and from the site and could foresee problems with additional traffic in the future. He was also concerned that parking provision was not adequate.

Councillor Burton commented that he welcomed the development as it provided much needed jobs and additional housing.

Councillor Curtin commented that he supported the recommendations and welcomed the possibility of new jobs being created both in the construction phase and the retail phase of the development in accordance with NPPF policy. It was a sustainable proposal with a high level of provision of private gardens in the residential element of the proposal.

Members welcomed the new roundabout proposed. A member questioned the impact the proposed residential element would have on parking in the surrounding area. Officers advised that the parking provision was within

guidance at 0.7 per dwelling and there would be a restriction on residential parking permits save for blue badge holders.

Members sought clarification on the position of TfL and the Trust in respect of the additional lane and Pedestrian Link. Officers advised that there was not compelling evidence submitted that indicated the need for an additional lane link to the proposal. However TfL will be part of the notification/referral to the Mayor for London and the Secretary of State. The judgement for members would then be whether without the additional lane members should refuse the application.

Councillors again questioned whether the car parking provision for the supermarket was sufficient particularly with the levels of employment created. Officers advised that a travel plan would be required by condition to encourage sustainable modes of transport for staff at the proposed development.

A member asked if there was provision for recycling of waste as part of the supermarket proposal. Officers advised that there was no such requirement but through delegated authority to the Head of Development and Building Control scope for a suitably worded condition could be explored.

A member asked if the Transport Assessment has anticipated potential future growth in demand for services at Queens Hospital. Highway engineers clarified that the transport assessment indicated spare capacity in the surrounding road network.

Members also queried the stores opening hours and officers advised that there were no set hours for store opening but deliveries to the store were covered by conditions set out in the report.

Members noted that a Mayoral CIL contribution was liable for the proposed development and that the amount of the CIL would be determined prior to any decision being issued. It was RESOLVED that the proposal was unacceptable as it stood but would be acceptable subject to

A: No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008);

B: No call-in from the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009: and

C: Prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- \* Provision of the new leisure facility
- \* Use of reasonable endeavours by the applicant to negotiate with the NHS Trust to enable provision of a more direct public footpath link to the site from the existing bus interchange at Queens Hospital and should the appropriate owner(s) dedicate the pedestrian route for



highway use, that the appropriate owner(s) enter into the appropriate highways agreement under Section 38 or Section 25 of the Highway Act 1980 to secure the provision of a pedestrian link open to the public

- \* Provision of a training and recruitment scheme for local people to be employed during the construction period and during the operation of the supermarket and petrol filling station.
- \* Payment of a financial contribution of £6,000 per dwelling unit created on the residential element of the site to be paid prior to commencement of construction of the first residential unit in accordance with the Planning Obligations SPD.
- \* Payment of a financial contribution of £30,000 to secure highway and transportation related improvements within the vicinity of Queens Hospital
- \* Submission of a travel plan, which shall include provision for monitoring and review
- \* Restriction on occupiers of the residential development, save for blue badge holders, from obtaining residential parking permits within any current or future proposed controlled parking zone within which the site is located.

Subject to recommendations A), B) and C) above that planning permission be granted subject to the conditions as set out in the report and to delegate to the Head of Development & Building Control to ensure a BREEAM rating of very good was secured against the foodstore, the wording of a condition on waste recycling on site and to clarify the final Mayoral CIL payment.

The vote for the resolution to grant planning permission was carried by 7 votes to 4.

Councillors Oddy, Tebbutt, Brace, Kelly, Misir, Osborne and pain voted for the resolution to grant planning permission.

Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission.

## 212 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

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**Chairman**

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## Regulatory Services Committee

6 June 2013

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-8	P1453.12	Romford Town	91 Eastern Road, Romford
9-15	P0188.13	Romford Town	168C Main Road, Romford
16-26	P0352.13	Heaton	The Plough Public House, Gallows Corner, Colchester Road, Romford

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## REGULATORY SERVICES COMMITTEE

6th June 2013

<b>APPLICATION NO:</b>	<b>P1453.12</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 29th January 2013 <b>Expiry Date:</b> 26th March 2013
<b>ADDRESS:</b>	91 Eastern Road Romford	
<b>PROPOSAL:</b>	Demolish garage, single and two storey side and rear extensions. Revised Plan Received 10.05.2013	
<b>DRAWING NO(S):</b>	22012/043/001 22012/043/002 rev A 22012/043/003 revB	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been "called in" by Councillor Frederick Thompson on the basis of the bulk of the proposal and its potential impact upon the street scene.

### **SITE DESCRIPTION**

The subject dwelling forms one half of a two-storey, semi-detached pair of late Victorian dwellings. The property has a white painted render finish to the front elevation whilst the side and rear elevations are in yellow London stock bricks, set beneath a hipped roof of natural slate.

The property has an original feature two storey rear projection, with an eaves height set about 0.7m lower than that of the main house. The roof of the rear projection is hipped and mirrored with an identical projection to the attached neighbour at No. 89. The property has a detached single garage in the rear garden with access along the side of the house. There is also parking for one vehicle on a hardstanding to the front of the property and the capacity to create 1 further space.

Inspection reveals that there is a gentle, albeit noticeable fall in ground level rearwards. The property is bounded on both sides by 1.8m high close boarded fences. No trees will be affected by the proposed development.

In the immediate vicinity of the subject dwelling, the surrounding area is characterised by two storey semi-detached dwellings. Opposite the site is St Kilda Children's Centre whilst further along Eastern Road residential dwellings are interspersed with a variety of commercial uses including an osteopath, dental surgery and playgroup.

### **DESCRIPTION OF PROPOSAL**

The proposal involves demolishing the existing detached garage and the construction of a two storey side extension and a single storey rear extension.

The two storey side extension would measure 1.5m wide by about 6.5m deep at first floor level; being set back 1m from the front main wall and aligning with the rear main wall. The roof would be hipped with the eaves continuing from the main house but with a lower ridge line of about

## REGULATORY SERVICES COMMITTEE

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7.48m high.

At ground floor level the extension projects a further 4m rearwards before returning in to join with the original rear projection and effectively "squaring off" part of the rear elevation of this property. The single storey extension will incorporate a flat roof with a large lantern light within the roof area.

The extension in general will be positioned 1m away from the common boundary with the non-attached neighbour, No.93 and provides additional accommodation in the form of an enlarged living room and study on the ground floor with a bedroom and en-suite bathroom above. It is noted a new bedroom will be formed at ground floor level in place of a small kitchen and bathroom.

The development is to be finished in slate tiles with render to the front elevation and London stock bricks to the side and rear elevations.

### **RELEVANT HISTORY**

P1139.12 - Ground floor rear extensions and rebuild, plus side extension at ground and first floor level  
Withdrawn 30-10-2012

P0540.12 - Side and rear extension to existing dwelling at ground and first floor  
Refuse 25-06-2012

ENF/81/12/ Alleged unauthorised basement  
RT -  
Awaiting Decision

P0124.12 - Single/two side and rear extension  
Refuse 27-03-2012

### **CONSULTATIONS/REPRESENTATIONS**

Neighbouring occupiers were notified of the application; objections have been received from 11 neighbouring occupiers. The concerns raised are set out in summary form below and are in part a restatement of concerns raised in respect of an earlier application:

1. Eastern Road consists of largely unspoilt traditional late Victorian architecture. The proposed extensions would detract from the character and appearance of the subject dwelling and the streetscene.
2. No. 91 sits forward of the unattached neighbour, so the extension would be clearly visible within the streetscene, despite the setback at first floor level.
3. The extensions are over large and would be overbearing.
4. The scheme is similarly to the refused scheme dismissed on appeal.
5. Not notified directly of the application.
6. Light pollution from roof lantern.
7. Building close to the boundary would diminish the gap between the two pairs of semi-detached properties, which would be detrimental to the streetscene, breaking the rhythm of regular spacing between the properties and giving rise to a terracing effect.
8. Finishing materials do not satisfactorily match the existing dwelling.
9. The extension would prejudice the development of the unattached neighbour at No. 93.
10. The proposed rear extension would be oppressive and overbearing to the unattached

## **REGULATORY SERVICES COMMITTEE**

**6th June 2013**

neighbour at No. 93.

11. The proposal contravenes Policy DC61, in that the development would not complement or improve the area, would have an unacceptable impact on the unattached neighbour and would prejudice the development of adjoining land.

12. The proposed extension would remove parking from the side of the house without finding other provision within the curtilage of the property.

13. The windows in the rear extension would intrude on the privacy of the unattached neighbour at No. 93.

14. Possible multiple occupancy.

15. The side extension would destroy the symmetry of the pair of semi-detached properties

16. The rear extension would be excessively deep and bulky and too close to the neighbouring boundary, having an unacceptable impact on the amenity of No. 93.

17. The side extension would result in a narrow alleyway, between the subject dwelling and the unattached neighbour. The alleyway would be a dark, unlit, non-defensible area, contrary to government guidelines.

18. The proposal does not comply with the Residential Extensions and Alterations SPD.

19. The extension is located to the south-west of the unattached neighbour and would result in unacceptable loss of sunlight.

The Gidea Park and District Civic Society as a previous objector were notified of the current proposal and raised concerns that the development would greatly reduce the clear separation between properties and result in a cramped appearance contrary to the general character of the pleasing and largely unspoilt "Victorian" street scene.

A response to the planning concerns raised by objectors is contained in the officer assessment below.

### **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document.

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

### **OTHER**

NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The application is not liable for Mayoral CIL.

### **STAFF COMMENTS**

The current application is a resubmission of the previously refused application, reference no. P0540.12. That application was refused planning permission for the following reason:

1. The extension, by reason of its excessive depth and bulk, its design (including the eaves/gutter detail causing an oppressively high flank wall) and its proximity to the side boundary, would significantly harm the setting of the house, the character of the street scene, the rear garden environment and the amenities of the neighbouring property, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations Supplementary Planning Document.

An appeal against this decision was lodged and subsequently dismissed on the 23rd October 2012.

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The current proposal differs from the previous refusal in the following ways:

1. The width of the side extension has been reduced by 1m to provide a minimum separation distance to the flank boundary of 1m.
2. Omission of previously proposed "secret gutter" detail to flank wall in favour of traditional gutter arrangement to match existing.
3. Omission of previously proposed bicycle store in lieu of the formation of a new study.
4. A previously proposed first floor rear extension to form an additional bedroom has been omitted in its entirety.
5. As a result of the omission of the first floor rear extension, the remaining ground floor rear extension will have a flat roof incorporating a light lantern.
6. Elevational changes reflecting the above alterations.

The key issue in this case is whether the alterations described above are sufficient to overcome previously identified concerns which were supported on appeal.

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

Members will recall that an earlier application ref P0540.12 was called in by a local Councillor and that at the Regulatory Services Committee 25th June 2012 it was decided to refuse planning permission for the development, contrary to officer recommendation.

A subsequent appeal against this decision was dismissed on appeal 15th October. In paragraph 3 of his findings the Planning Inspector stated:-

"The appeal relates to 91 Eastern Road, a two storey semi-detached residence occupying a section of the street characterised by semi-detached pairs and detached houses, built in a traditional style. Although not every property is widely spaced, most buildings have clear visual separation between them and my over-riding impression is one of spaciousness".

In paragraphs 4 and 5 he went on to say:

"By extending the existing dwelling up to its side boundary, the proposed two storey side extension would be contrary to this general pattern and so undermine the established spatial characteristics of the area. In particular, and although the design of the proposal incorporates setbacks front and rear, it would not maintain the characteristic gap between neighbouring pairs, in contravention of the guidance given in the Council's adopted Residential Extensions and Alterations Development Plan Document 2011.

In reaching this view, I acknowledge that the Council's planning officers recommended the application for approval on the grounds that the front setback would be sufficient to avoid an unacceptable terracing effect. However, whilst this setback helps to avoid unbalancing the semi-detached pair, I set out above the reasons why this would not avoid an uncharacteristically cramped relationship between the semi-detached pairs. Given my findings, I consider that the Council's decision to reject the officers' recommendation should be supported".

The current scheme seeks to address these concerns by reducing the width of the side extension to achieve a separation gap of 1m to the common boundary with No.93 which in turn



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facilitates the incorporation of a traditional gutter arrangement instead of the previously proposed "secret gutter" detail.

Staff consider the revised arrangement results in a significant improvement to the elevational appearance of the building and importantly facilitates the incorporation of a traditional gutter arrangement and avoids "an oppressively high flank wall". It is considered that these changes directly address one element of the refusal reason.

With regard to boundary separation and the potential impact upon the street scene Staff consider the arguments to be more finely balanced and issues of judgement are raised.

On the one hand Members may take the view that a reduction in the width of the side extension to achieve a boundary separation of 1m is insufficient to overcome previously identified concerns which have been supported on appeal. If this is the case a further refusal of planning permission may be warranted.

On the other hand, whilst the property lies within a small and attractive group of Victorian style dwellings, the site is not within a conservation area or other area of special control and there are no specific planning policies relating to boundary separation. The application must therefore be dealt with on its individual merits. In this respect, when viewed in conjunction with the adjacent property, No.93 the revised proposal achieves a total separation distance between buildings of 2m which is not too dissimilar to the relationship between Nos 95 and 97 Eastern Road.

Taking these factors into account and mindful of the general presumption in favour of development, Members may consider that the proposal as revised adequately addresses visual impact concerns and is acceptable from the streetscene point of view.

Viewed from the rear, the proposals are considered to relate acceptably to the existing property and comply with general guidance.

### **IMPACT ON AMENITY**

The only neighbour potentially affected by the development is the non-attached neighbour, No.93 Eastern Road. Inspection reveals that this property has no windows on its main flank wall but that there are windows at both the ground and first floor level in the rear elevation and the original feature rear projection. There is 1.8m high approx close boarded fencing along part of the common boundary.

In assessing the potential impact upon this neighbour it should be noted firstly that no objections were raised to application P0540.12 from the neighbourliness point of view.

The current proposal providing for a reduction in the width of the side extension and the omission of the first floor rear extension is considered to have less impact upon No.93. Moreover, the removal of the existing detached garage located in the rear garden will also benefit this neighbour.

The occupier of No.93 has raised no objections in principle to the rear single storey extension but has expressed concerns specifically regarding potential noise and disturbance from patio doors being opened near to their sleeping quarters, that the finishing materials are not in keeping with the existing property and that the introduction of a light lantern in the roof of the rear extension will cause light spillage and adversely affect 3 bedrooms.

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In response to these concerns, noise and disturbance from patio windows being opened near to their sleeping quarters is not a planning consideration and would be subject to separate legislation. However, the applicant in the interests of neighbourliness has submitted revised plans showing the patio doors replaced by a traditional window arrangement. He has also indicated the use matching stock brickwork to the side and rear elevations resulting in an altogether more satisfactory appearance.

Light lanterns are an increasingly popular feature of developments and not unacceptable in principle provided they are not unduly obtrusive in appearance. Light spillage would not however constitute a reason for refusal in this instance.

The proposed side extension would be built to within 1m of the boundary of No. 93, the unattached neighbour. However, it would not protrude beyond the rear building line of No. 93, and No. 93 has no flank windows which would face the side extension. The proposed side extension would not therefore result in a loss of light to no. 93, or appear overbearing or intrusive. There are no proposed side windows to the side extension, and the rear window would be set forward of the rear building line of the No.93 and therefore would not result in any loss of privacy to No. 93.

The proposed side extension would result in an enclosure of the passage to the side of No. 93, which would darken it. However, staff do not consider that this would prove sufficiently harmful to the amenity and safety of the occupants of No. 93 to justify a refusal.

The attached neighbour, No.89 is not significantly affected by the proposals.

To conclude, amendments to the plans have addressed in part detailed concerns raised by the occupier, No.93. Other concerns relating to light spillage from the light lantern are understandable but are likely to be modest and within acceptable limits, as determined by the policies within the SPD.

The development is not therefore considered to be unneighbourly.

Any remaining concerns relating to potential impact upon the street scene and character of the area have been dealt with above.

### **HIGHWAY/PARKING**

The property has one parking space in the front garden and the garage at the rear. The proposed development would create a four bedroom dwelling and result in the loss of parking to the side or rear of the property, leaving only one parking space for a four bedroom dwelling. Council policy typically requires two spaces for a four bedroom dwelling, so the dwelling would be left with a shortfall. However, Eastern Road has a Public Transport Accessibility Level Rating of 5, so it is a highly accessible location and therefore a lower level of parking provision can be justified. The dwelling is also located in a controlled parking zone, with no parking permitted between 9.30am and 5.30pm. Staff consider that this will assist in preventing any potential parking issues as a result of overspill.

### **KEY ISSUES/CONCLUSIONS**

The design of the proposed development is considered to be acceptable, and the development would have an acceptable impact on the streetscene and rear garden environment.

The development would have some impact on the amenity of neighbouring properties, but this

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impact would be within acceptable limits, as defined within the SPD.

Parking issues are sufficiently mitigated against as the subject dwelling is located within a Controlled Parking Zone.

The revised proposal is considered to address previously identified concerns and is in accordance with the aims and objectives of the Residential Extensions and Alterations SPD and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. Approval is recommended accordingly.

Date passed to Manager:- 2nd May 2013

**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. SC10A (Matching materials & samples) (Pre Commencement)**

All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

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

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

Reason:-

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

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### **4. SC46 (Standard flank window condition)**

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

Reason:-

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

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## **INFORMATIVES**

### **1 Reason for Approval**

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

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

### **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>P0188.13</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 25th February 2013 <b>Expiry Date:</b> 22nd April 2013
<b>ADDRESS:</b>	168C Main Road Romford	
<b>PROPOSAL:</b>	Change of use of retail shop (A1 class use) to mixed use take-away and restaurant (A3 and A5 class use) with installation of extraction flue system  Further supporting information received 26/4	
<b>DRAWING NO(S):</b>	Location Plan Ground Floor Plan 032.13/01 Elevations Sections 032.13/02 Extraction Details 032.13/03 Extraction Flue Notes 032.13/04	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called in by Councillor Oddy if the recommendation is for refusal. His reason is to ensure that there is consistency with decisions made elsewhere in Gidea Park.

The application has been called in by Councillor Frederick Thompson if the recommendation is for approval on the basis that there is insufficient local on-street parking during both day and in the evenings and that the area is already saturated with 4 restaurants, 3 public houses providing dining, and a takeaway only outlet and because the premises cannot provide off-street parking.

### **SITE DESCRIPTION**

The site is currently in A1 (shop) Use and forms part of the former costcutter supermarket; the other part of which has been converted into a smaller A1 shop unit. This forms part of a parade of shops within Gidea Park Minor District Centre.

Above the units are residential uses with a large balcony area to the rear.

Also to the rear of the parade is an unmarked out car parking area for around 5 -7 vehicles with bin storage areas.

To the rear (south) of the application site is a school and to the north and further west, beyond the two commercial units, are residential properties. Opposite is also a large Day Nursery. To the east are other commercial uses, some with residential above within the shopping centre. Most of the surrounding properties to the north and east of the application site are within Gidea Park Conservation Area.

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### **DESCRIPTION OF PROPOSAL**

The proposal is for a change of use to A3 (restaurant) with the installation of an extract duct to the rear.

### **RELEVANT HISTORY**

The following planning history relates to 168A, 168B and 168C, Main Road, Romford

- P1660.11 - Change from A3 to mixed use A3/A5 use classes (cafe/restaurant and takeaway)  
Apprv with cons 17-04-2012
- P0647.09 - Extension of opening hours from 11pm to midnight weekdays and weekends.  
Apprv with cons 07-07-2009
- P1798.08 - Single storey rear extension  
Apprv with cons 12-12-2008
- P2507.07 - Extension of opening hours to midnight on weekdays and weekends (variation of condition 3 of planning permission P0267.00)  
Apprv with cons 02-05-2008
- D0045.01 - Installation of 6 panel antennas within GRP chimney, 3 outdoor cabinets, 1 equipment cabinet and ancillary development  
Refuse 30-08-2001
- A0078.01 - Shop and projecting signs illuminated  
Apprv with cons 30-08-2001
- P0267.00 - Change of use and alterations to existing A1 retail premises including new A3 unit & 2 No. new residential flat units  
Apprv with cons 14-04-2000
- P1452.99 - Conversion of existing A1 retail unit into one A3 unit and 2 A1 units with staff flat above one unit & alterations  
Refuse 17-01-2000

### **CONSULTATIONS/REPRESENTATIONS**

Letters have been sent to 23 owners/occupiers of properties which adjoin the site, informing them of the proposals.

There have been 5 letters of objections to these proposals based upon the following:

1. There is a lack of parking space on or close to the site.
2. Congestion in the forecourt parking area will be exacerbated.
3. There are sufficient restaurants and hot food take-away shops in the area already.
4. A restaurant will adversely affect adjoining properties and businesses by cooking smells, litter, rubbish, noise and disturbance.
5. The premises would be used more for a take-away shop than a restaurant.
6. Increased traffic congestion in the area will occur if the proposals are approved.
7. Other A3 and A5 uses have been refused for nearby properties in the last 6 years.

Highway Authority - No objections to the revised plan which indicates parking spaces on site and the parking restriction times close to the site.

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Thames Water - No objections providing the disposal of cooking fats, oils and grease is provided for to prevent pollution of drains and watercourses. No objections to sewerage infrastructure and water supply arrangements.

Police Crime Prevention Design Advisor - No objections providing the proposed hours of operation are not extended.

Environmental Health - No objections providing conditions to prevent noise and odour nuisance for adjoining properties are imposed.

Fire and Community Safety Directorate - No objections.

Waste and Recycling Manager - No comments have been received.

### **RELEVANT POLICIES**

LONDON PLAN 2.15 - Town Centres

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 6.13 - Parking

### **LDF**

DC16 - Core and Fringe Frontages in District and Local Centres

DC23 - Food, Drink and the Evening Economy

DC33 - Car Parking

DC36 - Servicing

### **MAYORAL CIL IMPLICATIONS**

None.

### **STAFF COMMENTS**

The main issues are the principle of development, the impact upon residential amenity and the highways/parking/servicing arrangements.

### **PRINCIPLE OF DEVELOPMENT**

The retail shop unit is situated within the Core Area of the Main Road, Gidea Park Major Local Centre. Policy DC16 indicates that changes of use to service uses (A2 to A5 Uses) will be acceptable in principle throughout the retail core at ground floor level, subject to the proposal providing a suitable A2 to A5 Use, it not resulting in the grouping of three or more service uses and the overall number of service uses not exceeding more than 33% of the total units in the length of the frontage. The proposal is for the change of use of an existing A1 retail shop to a mixed A3 and A5 use, which would result in the loss of an A1 retail shop to a mixed retail service use (A3 and A5 uses). However, it would not result in the frontage of non A1 retail shop uses within the Core Area exceeding 33%. The site would be adjoined by an existing A1 retail shop on either side. It is therefore considered that these proposals are acceptable in principle.

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

There are no external alterations to the front elevation of the building and the existing shop front is to be retained. The only external alterations consist of the provision of a fume extraction flue system at the rear of the building. Therefore, these proposals will not have an adverse impact upon the row of retail/commercial properties in the street scene.

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### **IMPACT ON AMENITY**

The restaurant and hot food takeaway shop is proposed to be open during the the hours of 10.00 to 23.00 from Mondays to Saturdays and during the hours of 11.00 to 23.30 on Sundays. These hours are less than another similar outlet in the area which has closing times of 12 midnight every day. The fume extraction duct system will be positioned above the roof level at the rear of the building and away from any nearby upper floor residential units. The fume extraction duct system can be used for the cooking processes for both the restaurant and the hot food takeaway shop. It is considered that providing the hot food takeaway use remains a subordinate element of the ground floor uses, there should be no significant impact upon the residential amenities for the occupants of the upper floor residential uses. A suitable planning condition should be attached to any approval to require that the new takeaway shop use does not become the predominant use for the ground floor premises. It is considered that providing the hours of opening are adhered to and the fume extraction flue system is properly installed and maintained, the objections raised by local residents to these proposals cannot be sustained.

### **HIGHWAY/PARKING**

There are no highway objections from the Highway Authority to the proposed change of use of the ground floor premises to a mixed restaurant and hot food takeaway shop use. There are no objections to the car parking provision of two spaces to the rear of the building. The unit can be adequately serviced from the yard area to the rear of the building. In addition, the site is located within close proximity of public car parks which can be used by customers visiting the site. Therefore the objections raised by local residents to traffic congestion and insufficient parking space being provided are not supported.

### **SECURED BY DESIGN**

There are no objections to these proposals from the Police Crime Prevention Design Advisor, providing the stipulated hours of opening for the restaurant and hot food takeaway shop are adhered to, without the need for any later extensions.

### **KEY ISSUES/CONCLUSIONS**

The proposals are for a change of use of an existing A1 retail shop to a restaurant and takeaway service. It is considered that the proposed mixed uses would be acceptable in principle. There would be no significant adverse impact upon the residential amenities of nearby residents and the level of public and highway safety in the vicinity of the site. These proposals accord with the planning policies of the Local Development Framework Core Strategy and the Development Control Policies Development Plan Document. As a result a recommendation of approval has been made.

### **RECOMMENDATION**

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

#### **1. SC4 (Time limit) 3yrs**

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

Reason:-

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



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**2. Non Standard Condition 31**

The use hereby approved shall be as a mixed A3(restaurant) and A5(hot food takeaway) only and shall not be used solely as a hot food takeaway at any time without the prior written consent of the Local Planning Authority.

Reason:-

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

**3. SC27A (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 10.00 and 23.00 Mondays to Saturdays and between 11.00 and 23.30 on Sundays and Bank 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.

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

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

Reason:-

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

**5. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)**

Before the uses commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the commencement of the use hereby approved and retained permanently thereafter.

Reason:-

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

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### **6. SC50 (Extract ventilation for A3 uses) (Pre Commencement)**

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

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

### **7. SC51 (Noise & vibration of A3 uses)(Pre Commencement)**

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

Reason:-

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

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## **INFORMATIVES**

### **1 Grease traps to drains**

The applicant is advised to contact The Head of Environmental Health in order to determine whether or not suitable greasetraps need to be provided and fixed in an appropriate position properly connected to the drainage system. Thereafter the equipment shall be properly maintained and operated. The applicant is reminded in the event of non-compliance to the provision of Section 27 of the Public Health Act 1936.

(1) No person shall throw, empty or turn, or suffer to permit to be thrown or emptied or to pass, into any public sewer, or into any drain or sewer communicating with a public sewer, any matter likely to injure the sewer or drain, or to interfere with free flow of its contents, or to affect prejudicially the treatment and disposal of its contents.

### **2 Reason for Approval**

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC23, DC33 and DC36 of the LDF Core Strategy, Policies 2.15, 4.7 and 6.13 of the London Plan and Development Control Policies Development Plan Document.

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

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**3 Approval following revision**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

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<b>APPLICATION NO:</b>	<b>P0352.13</b>	
<b>WARD :</b>	Heaton	<b>Date Received:</b> 21st March 2013 <b>Expiry Date:</b> 16th May 2013
<b>ADDRESS:</b>	The Plough Public House Gallows Corner Colchester Road Romford	
<b>PROPOSAL:</b>	Demolition and erection of a new building comprising restaurant, take away and drive thru facility	
<b>DRAWING NO(S):</b>	0000/2013/B000/13.0014 Rev A (Site Plan and Elevations) 0000/2013/B100/13.0014 Rev A (Site Plan and Signage) 0000/2013/B114/13.0014 Rev A 0000/2013/B102/13.0014 0000/2013/B000/13.0014 0000/2013/B200/13.0014 0000/SK/M/001 Rev A 0000/2013/B115/13.0014	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The site forms a rectangular area of land approximately 0.34 hectares in area. The site's southern boundary adjoins Colchester Road; the western boundary adjoins Straight Road; whilst the northern and eastern boundaries lie adjacent to neighbouring residential properties.

The site comprises a former public house, which is in a derelict condition, and its curtilage, along with land, at the eastern end of the site, formerly occupied by four residential properties known as Woodmens Cottages. It is understood that these properties were demolished over four years ago and were in a dilapidated condition.

The site is unallocated in the LDF and is located in an area that includes a mix of uses. Residential uses dominate to the north and east, whilst retail and industrial uses are present to the south. The site occupies a prominent position at the Gallows Corner roundabout.

### **DESCRIPTION OF PROPOSAL**

This planning application proposes the demolition of the existing fire-damaged building and the erection of a single-storey building to be used as a fast food restaurant, takeaway, and drive-through (use classes A3 and A5.)

The flat roofed building would measure 279sqm in area and would have a maximum height of approximately 6.2m, although the building would generally be 4.5m in height. The building would be clad in white and red coloured panels, to include corporate branding graphics, along with glazing at the main entrance and drive-through hatches. The proposed building would occupy the western and central area of the site and would be bounded by an internal drive-through roadway.

The site would be accessed from both Straight Road and Colchester Road. The applicant has agreed to make contributions towards the widening of a footpath alongside Colchester Road,

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which would be achieved by means of a S278 agreement with the relevant highway authority, in this case Transport for London. A carpark including 38 spaces would be located at the eastern end of the site. Overall, 48 parking spaces would be provided in total, of which 3 would be for disabled use. The proposal would also include pedestrian access routes within the site, landscaping, outdoor seating area, and an enclosed yard at the eastern end of the building. Various advertisement and information structures would also be erected.

Internally, the proposed restaurant would have seating capacity for 116. The submitted information states that 40-45 part and full time staff would be employed, and the proposed operating hours would be 7am until midnight every day.

### **RELEVANT HISTORY**

There are no previous planning decisions of particular relevance to this proposal. The Council is considering an application for advertisement consent (reference: A0022.13) relating to the development proposal under consideration.

### **CONSULTATIONS/REPRESENTATIONS**

The application has been advertised in the press and by site notice, both of which expire on 24th May 2013. Notification letters have been sent to 64 neighbouring occupiers, with 4 objections having been received. The objections raised are as follows:

- i) The proposal would result in litter;
- ii) The proposed building is unattractive;
- iii) The proposal would result in an increase in traffic;
- iv) The area does not need additional fast food outlets;
- v) The proposal would result in the loss of an attractive building;
- vi) The proposal will result in increased noise in the area;
- vii) The additional fumes arising from motor vehicles alongside residential properties will harm amenity;

Additional comments made are that the operation should not be 24 hours a day as local residents have to tolerate enough noise during the day; that excessive lighting should be avoided; and that there should be no access to the site through Launceston Close.

Comments have also been received from the following:

Highway Authority - No objections; conditions and informatives recommended.

Environment Agency - No objections.

Environmental Health (noise and odour) - No objections; conditions recommended.

Transport for London - No objections; condition recommended.

Crime Prevention Design Advisor - No objections; condition and informative recommended.

English Heritage - No objections; condition and informative recommended.

### **RELEVANT POLICIES**

Policies CP4, CP9, CP10, CP15, DC15, DC23, DC32, DC33, DC34, DC35, DC36, DC40, DC52,

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DC55, DC56, DC61, DC63 and DC72 of the LDF Development Control Policies Development Plan Document ("the LDF")

The London Plan

The National Planning Policy Framework ("the NPPF")

### **MAYORAL CIL IMPLICATIONS**

The proposed building would have a floor area of 279sqm and would therefore give rise to a Mayoral CIL contribution of £5,554.89 (which would be subject to indexation).

### **STAFF COMMENTS**

The main issues in this case are considered to be the principle of the development, impact upon character and appearance of street scene, impact upon neighbouring occupiers, highways considerations and other considerations.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC15 of the LDF states that planning permission for retail development in out-of-centre locations will only be granted where the sequential test is satisfied. This would involve thoroughly assessing the availability of sites within the primary shopping areas, and where no sites are available, giving consideration to the edge-of-centre sites. Otherwise, a range of information must be submitted to justify the proposal.

The guidance contained in the NPPF has superseded Policy DC15 of the LDF. The NPPF states that local planning authorities should apply a sequential approach to the location of main town centre uses on sites not located in an existing centre. The preference should first be for town centre locations, then edge of centre locations, and only if suitable sites are not located within these should out of centre sites be considered. In the latter case, preference should be given to accessible sites that are well connected to the town centre.

The site is considered to be in an out of centre location, although it is located in very close proximity to an edge of centre site (the Gallows Corner Retail Park), which is located on the opposite side of Colchester Road. The site is not allocated in the LDF and must therefore be considered an out of centre site. The applicants have submitted an assessment of potential development sites, including the established retail centres and the designated edge of centre locations. For each of the areas and sites considered, it is concluded, given the size and format of the proposal, that there are no available sites in the preferred locations that would accommodate the proposed restaurant and drive-through facility.

Having assessed the proposal in relation to the retail planning guidance contained in the NPPF, it is considered that there is an adequate justification in this case for the development of an out of centre site, and that the proposal is acceptable in principle.

Additional material considerations in support of the proposal would be that most of the site was formerly in use as a public house (use class A5) and that the whole of the site, which is located in a visually prominent location, is in a dilapidated state of repair. The site is located in very close proximity to an existing edge of centre site and benefits from nearby public transport links into Romford Town Centre. Moreover, the proposed location alongside a major road interchange is arguably a more suitable location for a drive-through restaurant than a central location would be. The proposal would also result in planning gain with the widening of an existing, very narrow, pedestrian footway alongside Colchester Road.

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

Policy DC61 states that planning permission will not be granted for proposals that would result in significant adverse impacts on the character of the area.

Neighbouring occupiers have objected to the proposal stating that it would be an eyesore.

The proposed building would have a utilitarian appearance, which would broadly be in keeping with other development in the area, particularly the retail sheds and industrial/warehouse structures to the south. The site is currently dominated by a fire-damaged building, and is in an unsightly condition. It is considered that the proposal would lead to a significant improvement in the appearance of the site and that it would not be detrimental to the character of the area, which comprises a range of building types and highway infrastructure.

Subject to the use of conditions relating to cladding materials, landscaping, boundary treatment, and refuse storage, the proposal, in terms of its visual impact, is considered to be in accordance with Policy DC61 of the LDF.

### **IMPACT ON AMENITY**

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

The site is located in close proximity to residential properties located along Straight Road and Launceston Close. Neighbouring occupiers have objected to the proposal on the grounds that it would result in additional noise and fumes.

No.2 Straight Road and No.42 Launceston Close are the nearest residential properties to the proposal, with the dwellings being located within 2m of the site boundary, and their curtilages adjoining the site. The proposed external access road would run alongside the boundary with No.2 Straight Road; adjoining the curtilage of No.42 Launceston Close would be a 3m wide strip of landscaping, beyond which would be the proposed car park. The proposed building would be located approximately 20m from No.2 Straight Road and 30m from No.42 Launceston Close.

The Council's Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to the control of noise and odours. The applicants are proposing operating hours of 0700-midnight daily, and this can be controlled by means of a condition. Members may wish to recommend more limited operating hours. The erection of suitable boundary treatment should also assist in mitigating against noise nuisances between the site and neighbours and a condition is recommended in this regard.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers, particularly given the site's previous use and the nature of the surrounding area, which is dominated by highway infrastructure. The proposal is therefore considered to be in accordance with Policy DC61 of the LDF.

### **HIGHWAY/PARKING**

Policy DC32 of the LDF states that proposals will only be approved where they do not result in any significant adverse impacts on the functioning of the road network.

The proposal would include access and egress points onto Straight Road, at the western end of the site, and onto Colchester Road through the southern boundary of the site. The proposed internal access road would connect the two entrances and also include a separate loop around

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the proposed building for queuing drive-through traffic. A vehicle entering the site from Colchester road, which it is considered would be the primary entrance point, would drive around the internal access road and then enter the drive-through loop. Afterwards, vehicles could either exit the site or enter the car park located at the eastern end of the site.

As discussed, a carpark including 38 spaces would be located at the eastern end of the site. Overall, 48 parking spaces would be provided in total, of which 3 would be for disabled use. The proposed number of spaces is in excess of the requirements contained in the LDF for this type of development (approximately 28 spaces.) The proposal would also include two motorcycle parking spaces and 8 bicycle spaces. Delivery vehicles would access the site from either of the two entrances and would park on a designated area off the northern side of the proposed building; this area would otherwise be used for customer parking (5 car and 2 motorcycle spaces) when deliveries are not anticipated. When deliveries are awaited, this area would be cordoned off. As the proposal would not require frequent deliveries during a typical day, it is considered unnecessary to provide a dedicated service area.

Neighbouring occupiers have objected to the proposal on the grounds that it would result in an increase in traffic. The Council's Highway officers and Transport for London have raised no objections to the proposal subject to the use of conditions concerning proposed changes to the public highway. It is considered that the proposal would provide sufficient car parking spaces for the use of staff and customers. The proposal would result in an improvement to the pedestrian access alongside Colchester Road by transferring land within the site to Transport for London.

Subject to the use of these conditions, which would assist in securing improvements to a public footpath, the proposal is considered to be acceptable in terms of the impact it would have on highway safety and amenity.

### **OTHER ISSUES**

Policy DC63 advises that new development should address issues of community safety. The Council's Crime Prevention Design Advisor has raised no objections to the proposal subject to the use of a condition, which can be imposed should planning permission be granted.

English Heritage have recommended the use of a condition to ensure the protection of historic assets that may be present within the site. It is recommended that this condition be imposed should planning permission be granted.

Neighbouring occupiers have objected to the proposal on the grounds that it would result in the loss of an attractive building; that there is not a need for such a development; that there would be an increase in litter; and that there should not be any access allowed through Launceston Close.

In terms of litter, a condition has been recommended requiring details of the proposed refuse storage, which would include bins for use by customers. Litter can also be controlled by other regulatory regimes. The need for the development is not a material consideration; in this case, it is for the market to determine whether such facilities are required. No access is proposed through Launceston Close. It is considered that the loss of the existing fire-damaged structure would not be detrimental to the character of the area.

### **KEY ISSUES/CONCLUSIONS**

Subject to the afore mentioned conditions, the proposal is considered to be acceptable having had regard to Policies CP4, CP9, CP10, CP15, DC15, DC23, DC32, DC33, DC34, DC35, DC36,



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DC40, DC52, DC55, DC56, DC61, DC63 and DC72 of the LDF, and all other material considerations.

**RECOMMENDATION**

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

**1. 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)**

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

Reason:-

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

**3. 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

**4. Non Standard Condition 56**

No development, including demolition, site clearance, and construction on site, shall take place until a construction logistics plan has been submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be

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**5. SC13B (Boundary treatment) (Pre Commencement)**

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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

The opening hours of the proposed restaurant shall only be between the hours of 0700hrs and 0000hrs daily.

Reason:-

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

**7. SC77 (Archaeological investigation) (Pre Commencement)**

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

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

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

Reason:-

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

**12. Non Standard Condition 31**

No development shall take place until details of acoustic fencing along the site's northern boundary, intended to reduce the noise impacts of the proposal on neighbouring occupiers, have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed prior to the development being brought into use and retained for the life of the development.

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**13. Non Standard Condition 60**

Notwithstanding any details shown on the approved plans, prior to the commencement of the development, details of vehicle barriers to prevent unauthorised access from the public highway into the site shall be submitted to and approved in writing by the local planning authority. The barriers shall be installed in accordance with the approved details before the use commences and thereafter retained. The vehicle barriers installed shall be closed so as to prevent unauthorised vehicular entry whenever no staff are present on the site.

To prevent potential nuisances to adjoining/adjacent properties and to comply with Policy DC61 of the Development Control Policies Development Plan Document.

**14. Non Standard Condition 32**

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.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties and to comply with Policy DC61 of the Development Control Policies Development Plan Document.

**15. Non Standard Condition 33**

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

Reason:-

To protect the amenity of occupiers of nearby premises and to comply with Policy DC61 of the Development Control Policies Development Plan Document.

**16. Non Standard Condition 34**

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

Reason:-

To protect the amenity of occupiers of nearby premises and to comply with Policy DC61 of the Development Control Policies Development Plan Document.

**17. Non Standard Condition 35**

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 deliveries shall take place on Sundays, Bank or Public Holidays

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**18. Non Standard Condition 36**

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

Reason:-

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

**19. Non Standard Condition 37**

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

Reason:-

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

**20. Non Standard Condition 38**

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 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 on site.

Reason:-

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.

**21. 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.

**22. SC58 (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.

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### **23. 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.

### **24. SC78 (Secure by Design) (Pre Commencement)**

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

Reason:-

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

### **25. SC82 (External lighting) (Pre Commencement)**

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

Reason:-

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

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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 CP4, CP9, CP10, CP15, DC15, DC23, DC32, DC33, DC34, DC35, DC36, DC40, DC52, DC55, DC56, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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

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

### **3 Secure by Design Informative**

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

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

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

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

# REGULATORY SERVICES COMMITTEE

# REPORT

6 June 2013

**Subject Heading:**

P1200.12 – Land at Kings Grove Rear of 5-11 Carlisle Road, Romford – Application for the variation of Condition 5 (accordance with plans) of P1875.10 and the variation of the related Section 106 agreement dated 15<sup>th</sup> December 2011 to enable the substitution of amended plans – development of 4 x 2-bedroom houses (received 14 December 2012; additional information received 16 May 2013)

**Report Author and contact details:**

Helen Oakerbee  
Planning Control Manager (Applications)  
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01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

- |  |                                     |
|--|-------------------------------------|
| Clean, safe and green borough  | <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 variation of condition 5 of P1875.10 to enable the retention of a block of 4 x 2-bedroom houses as so built (not in accordance with approved plans). This is a material amendment to the original scheme. The proposal includes the provision of a new vehicular access onto Kings Grove, together with a raised parking area. Normally such applications would be considered under delegated powers, nonetheless the application comes before Committee the Section S106 legal agreement dated 15<sup>th</sup> December 2011 relating to the original scheme needs to be varied to refer to the current scheme. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to the variation of the Section 106 legal agreement and conditions.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the variation of the Section 106 agreement dated 15<sup>th</sup> December 2011 pursuant to planning permission reference number P1875.10 by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved in the following terms:

- That the definition of Planning Permission be amended to include reference to Planning Reference P1200.12 or P1875.10 whichever is implemented as appropriate.
- Any other consequential amendments to that above as appropriate.
- All other clauses in the Section 106 Agreement shall remain in full force and effect.
- 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.

That Staff be authorised to vary the Section 106 legal agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

1. Time: 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. Cycle storage: cycle storage shall be permanently retained.

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

3. Visibility splays: The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of Highway safety.

4. Landscaping: All planting, seeding or turfing comprised within the approved scheme (drawing no. OS241-11.1 Rev C) shall be carried out in the first planting season following approval of the as so built scheme and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties

which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

## **INFORMATIVES**

1. Reason for approval:

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

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

2. 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

## **Mayoral CIL**

As an amendment to an approved scheme, the proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site contains a terrace of 4 houses with ancillary parking behind hoardings at the time of the site visit. This was formerly the rear gardens with some outbuildings including garages of No.s 5 -11 Carlisle Road which fronted onto the western side of Kings Grove. The latter is a small cul-de-sac of 2 houses and 8 flats. Prior to the new buildings, there were no existing houses fronting the western side of Kings Grove.
- 1.2 The area is residential in character with mainly 2-storey terraces, semi-detached and detached housing with flats in Kings Grove and fronting onto Carlisle Road/Victoria Road. There is a slight fall to the rear of the site (west).
- 1.3 A Tree Preservation Order covers 4 trees on/ in the vicinity of the application site.

### 2. Description of Proposal

- 2.1 The application is for a variation of Condition 5 (accordance with plans) of planning approval P1875.10 which is a proposal for 4, 2-bedroom houses. The houses have been constructed but do not accord with the approved plans under P1875.10. The reason for this is that original ground levels were different to those shown on the original plans. The current scheme is an application for the variation of condition to substitute plans which show the material amendments sought in order to retain the houses as built and also relates to a deed of variation of the Section 106 legal agreement in relation to a parking assessment/restriction of occupiers from purchasing residential parking permits, to link it to the current application.
- 2.2 The terrace of 4, 2-bed houses is located parallel to Kings Grove at just under 10m back from the carriageway and 1m from each side boundary. The terrace is 18m wide and 9.8m deep with a pitched roof with gable ends (as previously). The ridge height from the rear elevation has increased to 9.4m above immediate ground level due to the existing slope in ground level being incorporated into the submitted drawings; the ridge height when measured from the front elevation is 8.75m above ground level. Previously the approved drawings indicated the ground being level with the ridge height at 8.8m above ground level at all points adjacent to the building, as shown on the approved plans. Two external steps have now been provided to the rear of each property as finished floor level is now 0.75m above ground level at the rear of the properties.
- 2.3 There is no change to the size of the rear gardens which have a depth of either 10m or 11m and the communal parking area to the front of the houses with one space allocated to each property together with a bin storage area has been constructed as originally approved.

- 2.4 A preserved tree has been removed (as approved) and a replacement will be provided in the rear garden of plot 4 (see also below). The remaining preserved tree is retained and SUDS-compliant surfacing materials have been provided to the front hardstanding area.
- 2.5 A new landscaping scheme (drawing no. OS241-11.1 Rev C) has been submitted with this application
- 2.6 The main differences between this and the previously approved scheme are:
- rear and part of the side elevations have increased to a maximum of height of 9.4m; and maximum height of 8.75m to the front elevation (from 8.8m for both elevations ) to accommodate the slope of the land.
  - 2 external steps have been added to each of the 4 properties to enable occupiers to access the garden area from the now raised rear door/finished floor level
  - new landscaping scheme

### **3. History**

P1446.07 – 6 no. 2 bed and 5 no. 1 bed flats with 5no. car parking and bin store - Withdrawn

P0322.08 – 4, 1-bed flats and 2, 2-bed flats - refused 15-04-2008; subsequent appeal dismissed 10-11-2008

P1160.10 – 4, 2-bed houses – withdrawn

P1875.10 – 4, 2-bed houses – (resolution to approve subject to a S106 legal agreement at Committee 3/2/11; planning permission issued 15/12/11)

### **4. Consultation/Representations**

- 4.1 32 neighbouring and nearby properties were notified of the application for a variation of both Condition 5 and the Section 106 legal agreement. One reply has been received objecting to the amended scheme in general.
- 4.2 The Metropolitan Police Design Advisor has written to request that conditions and an informative attached to the original approval in relation to Secured by Design are similarly attached to the current application.
- 4.3 Thames Water has written to remind the developer that they are responsible for the proper provision of drainage to ground, water courses or a suitable sewer. They also indicate that there are public sewers crossing or close to the application site and that their approval would be needed if any works would come within 3m of a public sewer, but it would be likely to be refused for any new buildings.
- 4.4 The Fire Brigade (LFEPA) indicate that they recommend the provision of domestic sprinklers as they have concerns regarding the access arrangements. Subsequently the Fire Brigade confirmed that they are not able to insist that sprinklers are provided as an Approved Inspector has

decided they were not necessary and has issued a completion certificate under the Building Regulations.

## 5. **Staff Comments:**

5.1 The main issues including the principle of the development, density, preserved trees, secured by design and access to the highway and parking and serving provision were addressed previously and were considered to be acceptable. The issues arising from this application relate only to the changes to the original scheme and their impact in the streetscene and on residential amenity. Policies CP1, CP7, CP17, DC2, DC3, DC61 and DC72 of the Local Development Framework Core and Development Control Policies Development Plan Documents are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

### 5.2 *Design/Impact on Street/Garden Scene*

5.2.1 The 2-storey terrace is located opposite a semi-detached pair and at right-angles to the maisonette development which is located at the northern end of the Kings Grove cul-de-sac. The building is located 10m back from the Kings Grove carriageway and to the south-west of the maisonettes. Staff consider that, given the separation distances the amendments which result in a slightly lower ridge height in relation to the streetscene view, would not have any further impact on visual amenity in the streetscene than the approved scheme.

5.2.2 The rear elevation of the proposed building is located 22.6m from the nearest elevation of the existing properties fronting onto Carlisle Road. The SPD on Residential Design does not identify any specific back-to-back distances for residential properties. It does however identify that relationships with existing development should reflect those in the locality. There are few direct back-to back relationships in this locality where main roads are interspersed with cul-de-sac development. However the semi-detached pair to Kings Grove do have such a relationship with properties fronting onto Princes Road where the closest distance is approximately 23m. It is considered that while the rear elevation would be some 0.6m taller than before, the ridge height is the same relative position as originally approved with the increased height being set below finished floor level. Staff therefore consider that, with the augmented planting in the revised landscaping scheme to the rear gardens, the proposed development would have an acceptable impact in the rear garden environment.

### 5.3 *Impact on Residential Amenity*

5.3.1 The nearest residential properties are the houses/flats to the end of Kings Grove and the properties in Carlisle Road. The amendments reduce the relative height of the front elevation and there are no changes to the fenestration to the front elevation. This was previously considered to have an acceptable impact on residential amenity and, Staff consider that the amendments do not result in any significant loss of amenity for the occupiers of the existing maisonettes or semi-detached properties.

5.3.2 The terrace is located a minimum of 22m from the nearest rear elevation of properties fronting onto Carlisle Road. The rear elevation of the proposed development is taller by approximately 0.6m than that approved, however, as the increase is below finished floor level, relatively, the ridge position relative to the existing development has not altered. Subject to greater screening of the elongated rear wall, and given the distances involved, Staff consider that there would be no undue loss of residential amenity from the amendments to these existing occupiers.

#### 5.4 *Section 106 agreement*

5.4.1 It is considered that the proposal would increase the use of this narrow cul-de-sac such that there is concern that the existing on-street parking at the junction with Kings Road may result in congestion. It is recognised that the applicants have already paid the £5,000 contribution towards the costs of undertaking an investigation into possible amendment of parking restrictions in close proximity to the development. However, until the results of this investigation are known (to be begun on full occupation of all units) the occupiers are to be restricted from applying for residents parking permits. The investigation will take up to 2 years to complete and depending on the outcome of the investigation, this restriction is either to be lifted or permanently applied. The existing Section 106 legal agreement dated 15<sup>th</sup> December 2011 is to be varied to refer to the current application.

### 6. **Conclusions**

6.1 The proposal is for the variation of Condition 5 (accordance with plans) of planning approval P1875.10. The amendments arise from the inaccuracy of the original plans; nonetheless Staff consider that the maximum 0.6m difference in ground level and therefore apparent height of the rear elevation would have an acceptable impact in the street scene and there would be no undue impact on residential amenity. The proposed landscaping is considered an improvement and would help to soften the development's increased height rear elevation from views from the west in Carlisle Road. Other details, including density, highways and parking details and the treatment of the preserved tree have not altered and remain acceptable. It is considered that the proposal is acceptable in relation to the policies contained in the LDF Core Strategy and Development Control Policies DPD, subject to the variation of the Section 106 agreement to cover the costs of a highway review, if needed, together with restricting access to residential parking permits in the intervening period.

## IMPLICATIONS AND RISKS

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

7.1 None

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

8.1 A variation of the Section 106 legal agreement dated 15<sup>th</sup> December 2011 would be needed for the highway investigation and, as necessary, to possibly restrict access to residential parking permits.

### 9. **Human Resource Implications:**

9.1 None

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

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

## BACKGROUND PAPERS

1. The planning application as received on 14 December 2012 and additional information received 16 May 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

6 June 2013

<b>Subject Heading:</b>	<p><b>P0187.13 – 198 Hilldene Avenue, Romford</b></p> <p><b>Single storey rear extension (application received 20 February 2013)</b></p>
<b>Report Author and contact details:</b>	<p><b>Helen Oakerbee (Planning Manager) – 01708 432800</b></p>
<b>Policy context:</b>	<p><b>Local Development Framework, London Plan</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	<input checked="" type="checkbox"/>
Championing education and learning for all	<input checked="" type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This matter is brought before Committee as the application site is Council owned. The application seeks full planning permission for a single storey extension. Staff consider the application to be acceptable and recommend its approval subject to conditions.

## 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 & Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Materials:** All new external finishes shall be carried out in materials to match those of the existing building 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 Policy DC61 of the Development Control Policies Development Plan Document.

3. **Accordance with Plans:** The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (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 the LDF Development Control Policies Development Plan Document Policy DC61.

## INFORMATIVES

1. Reason for Approval.

The proposal is considered to accord with the aims and objectives of Policies CP17, DC16, DC23 and DC61 of the LDF Development Core Strategy and Development Control Policies DPD, as well as the provisions of Policy 4.0 of the London Plan.

2. Statement required by Article 31 (cc) of the Town & 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.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The site consists of a ground floor hot food take-away shop sited at the end of a large four storey building which has a row of ground floor shops with three floors of residential flats above. It is situated off Hilldene Avenue within a suburban shopping area in a predominantly residential area at the Harold Hill estate to the north east of the centre of Romford. There is a small open yard at the rear with a servicing and parking area off a service road further to the rear of the site.

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

- 2.1 It is proposed to construct a small ground floor rear extension to the hot food take-away shop which will provide space for the cold storage unit and additional food storage areas. The extension will have dimensions of 5.7 metres in width, 4.0 metres in depth and a height of 2.9 metres from ground level. The extension will have a flat roof and will extend across the whole width of the property. It will be adjoined by a storage area at the rear of the adjoining retail shop. The building will cover the small open yard area at the back of the hot food take-away shop which is used to accommodate a cold storage unit.

### 3. **Relevant History**

- 3.1 None.

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

- 4.1 Letters have been sent to owners/occupiers of 36 adjoining properties informing them about these proposals. No letters of representations have been received.
- 4.2 Highway Authority – no objections.
- 4.3 Environmental Health – no comments have been received.
- 4.4 Fire & Community Safety Directorate – no objections.
- 4.5 Police Crime Prevention Design Advisor – no objections.

### 5. **Relevant Policies**

- 5.1 *LDF*  
CP17 – Design  
DC16 – Core and Fringe Frontages in District and Local Centres  
DC23 – Food, Drink and the Evening Economy  
DC61 – Urban Design

*Other*  
London Plan – 4.9 – Small Shops

5.2 *Mayoral CIL Implications*

None.

6. **Staff Comments**

6.1 The application is put before the Committee because the land and property is owned by the Council. The main issues to be considered in dealing with the application are the design of the extension and its impact upon the amenities of the occupants of adjoining properties. The extension is modest in size and will be sited adjoining a storage area at the rear of an adjoining retail shop. The extension will enable a cold storage unit to be kept indoors and additional food storage areas can be made available for the hot food take-away shop. The ground floor rear extension to the building does not affect the siting or functioning of the external fume extraction flue at the rear of the building.

6.2 *Principle of Development*

6.2.1 The proposal is for an extension to provide an additional storage room for the cold storage unit and the storage of food for the hot food take-away business. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 *Design/impact on street/garden scene*

6.3.1 The design and external appearance of the ground floor extension to the building is acceptable. The modest flat roofed structure is sited at the rear of the building and is not prominent from a public viewpoint. It will not be visible from the streetscene at the front of the building. The extension will cover an existing open yard area and enable the existing cold storage unit at the rear of the building to be brought indoors. The additional storage space for food will reduce the need for outdoor storage which will help to tidy the area at the rear of the building for the benefit of adjoining property occupants. It is considered that the single storey flat roofed extension would not be harmful to the streetscene as it would be located at the rear of the building and not visible from a public viewpoint. It is considered that the single storey extension has been designed in sympathy with the existing building.

6.4 *Impact on amenity*

6.4.1 The modest ground floor rear extension to the hot food take-away shop will adjoin a storage area at the rear of an adjoining retail shop. It will not adjoin a residential unit at close quarters. The upper floor residential flats should not be adversely affected by the rear extension to the building. The extension should not be harmful to residential amenity, as it is single storey, has a flat roof and is not sited close to any adjoining habitable rooms of a dwelling.

## 6.5 *Highway/parking issues*

6.5.1 There are no highway objections to these proposals and the parking and servicing area at the rear of the site will not be affected by the rear extension to the building. It is not anticipated that these proposals will lead to a significant increase in traffic generation from additional customers or servicing suppliers to and from the site. The proposal would not increase staffing levels or traffic levels and the Highway Authority has no objection to the proposal. It is considered that the proposal would not create any highway or parking issues for the area.

## 7. **Conclusion**

7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey extension would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

### **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**

1. Plans and application form received on 22 January 2013.

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# REGULATORY SERVICES COMMITTEE

6 June 2013

## REPORT

**Subject Heading:**

Proposed variation of Section 106 agreement dated 24<sup>th</sup> January 2013 in connection with planning permission P1276.12 Land adjacent to Hilldene Avenue, Hilldene Close, Bridgwater Road, Darlington Gardens & Northallerton Way, Harold Hill:

Redevelopment of the part-vacant 'Hilldene North' site to provide 100 residential units with ancillary car parking and associated landscaping.

The development included an infrastructure tariff contribution of £600,000 to be paid in full prior to the commencement of the development.

The requested Deed of Variation would allow for the contribution to be paid at the commencement of three defined phases of the development. The two later phases involve parts of the site occupied by the library and former petrol station which would probably take longer to bring forward for development.

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulation Manager  
[simon.thelwell@havering.gov.uk](mailto:simon.thelwell@havering.gov.uk)  
01708 432685

**Policy context:**

Local Development Framework  
National Planning Policy Framework  
Planning Obligations Supplementary  
Planning Document.

**Financial summary:**

None

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

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

**SUMMARY**

The report relates to proposals for residential development for 100 residential units on land at the 'Hilldene North' site in Harold Hill. The site has the benefit of planning permission under reference P1276.12, which was subject to a Section 106 legal agreement completed on 24<sup>th</sup> January 2013 (the original agreement). The owners have requested a deed of variation on the following terms:-

The S106 Agreement (the original agreement) be varied by the terms of a Deed of Variation of the original agreement as follows:

1. Add a definition:  
Phasing Plan
2. Revised clause in relation to payment of Infrastructure Contribution to include:  
Prior to Commencement of Phase 1 to pay the Council £348,000 in relation to Phase 1; Prior to Commencement of Phase 2 to pay the Council £126,000; Prior to Commencement of Phase 3 to pay the Council £126,000.  
The Developer / Owner to provide the head of Development and Building Control with 14 days prior written notice of the Commencement of Phase 1, Phase 2 and Phase 3 of the development.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the original agreement all recitals, terms, covenants and obligations in the said original agreement shall remain unchanged.



## RECOMMENDATIONS

It is recommended that the variation of the Section 106 agreement dated 24<sup>th</sup> January 2013 pursuant to planning permission reference number P1276.12 by Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), be approved in the following terms:

1. Add a definition:  
Phasing Plan
2. Revised clause in relation to payment of Infrastructure Contribution to include:  
Prior to Commencement of Phase 1 to pay the Council £348,000 in relation to Phase 1; Prior to Commencement of Phase 2 to pay the Council £126,000; Prior to Commencement of Phase 3 to pay the Council £126,000.

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

- 1.1 The site subject to the request for a deed of variation of the original agreement has an area of approximately 1.53 hectares, comprising three parcels of land. The largest of these is located between Bridgwater Road and Darlington Gardens. Northallerton Way lies to the west and Darlington Path to the east. This part of the development site is now vacant and cleared for development. The other two parcels of land forming part of the application site are referred to on the submitted site plan as areas 'A', 'B' and 'C'. Area A is located to the south of Bridgwater Road, on the western side of Hilldene Close. It is a former petrol filling station, now used as an open air hand car wash. Area 'B' is a single storey building, used as a gym, located at the junction of Bridgwater Road and Hilldene Close and area 'C' is the existing Harold Hill library, a part single, part two storey building fronting on to Hilldene Avenue.
- 1.2 The site has planning permission for the redevelopment of the site to provide 100 residential units. Permission for the development was granted subject to a number of planning conditions, as well as a Section 106 legal agreement signed and dated 24<sup>th</sup> May 2013. The legal agreement included clauses to secure:

- A financial contribution of £600,000 for infrastructure, payable on commencement of the development
- The provision of a training and recruitment scheme relating to the construction period.
- The provision of a minimum 50% of units within the development to be affordable housing with a 36:64 split affordable rent to shared ownership.

1.3 Subsequent to the completion of the original agreement and the issuing of the planning permission under application reference P1276.12, the applicants have requested that the payments of the infrastructure contributions be phased. This is because the developer of the southern part of the site (containing 42 units) is unlikely to be in a position to develop the site for some time. The applicant would wish not to have financial burden of having to pay the infrastructure contribution for this part of the site until commencement is likely.

1.4 In considering this request, regard has been had to the Council's Supplementary Planning Document on Planning Obligations (SPD). The SPD at Paragraph 4.50 states:

“For large development schemes, with a long build out period, the Council and applicant may agree the staging of payment (ie. phased payments tied to dates or development ‘triggers’) in the section 106 planning agreement to aid developer’s cash flow.”

1.5 Staff therefore consider that it would be reasonable in this case to allow phased payments, with the commencement of the relevant phase being the trigger for the payment.

## 2. Conclusion

2.1 Staff consider that the proposed variation of the original agreement is acceptable and in line with adopted planning policy. It is therefore recommended that a variation be approved.

## 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

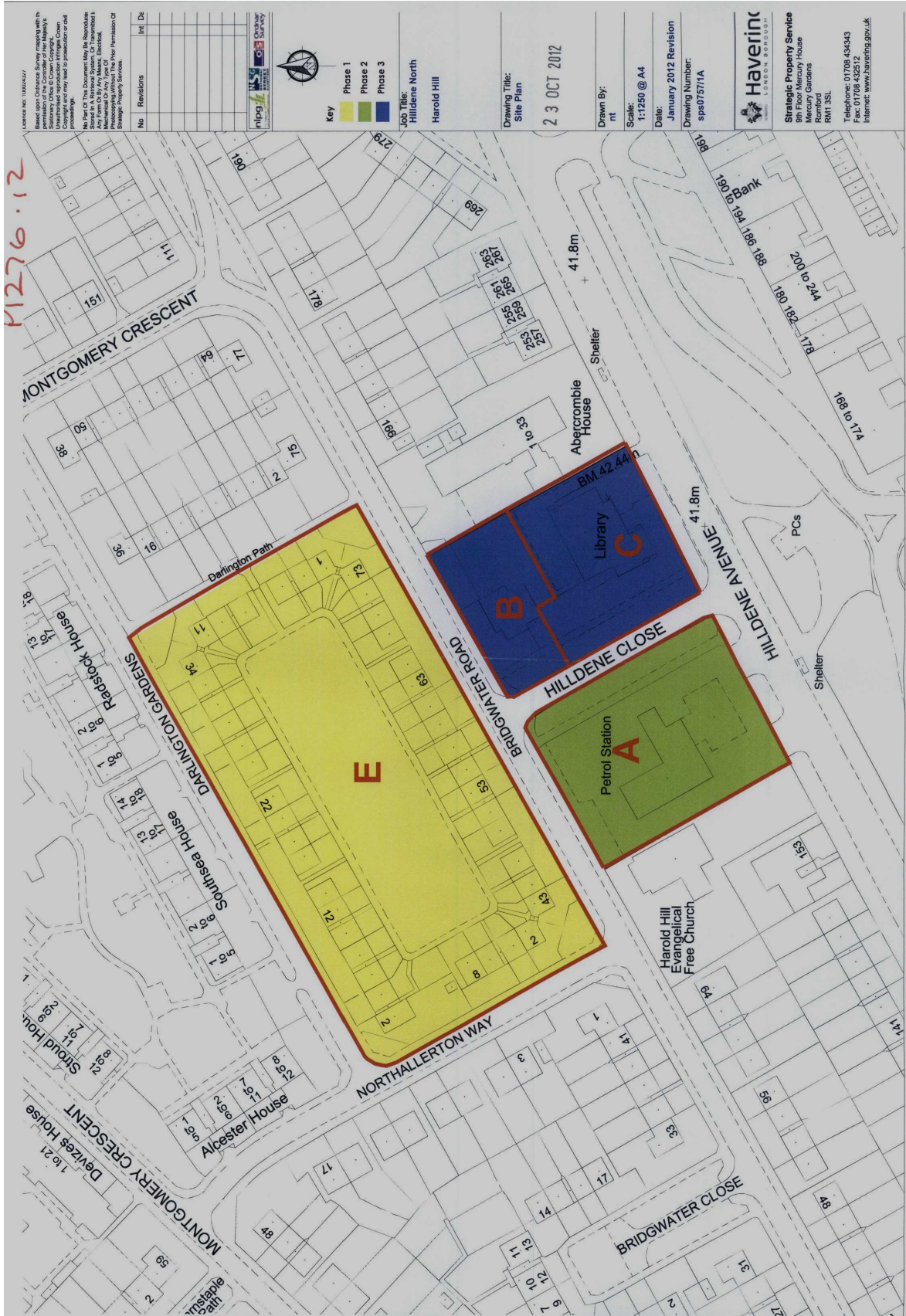
### **Equalities implications and risks:**

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

### **BACKGROUND PAPERS**

1. Report to Regulatory Services Committee of 10<sup>th</sup> January 2012 pursuant to planning reference P1276.12
2. Phasing Plan – See Appendix

# APPENDIX – PHASING PLAN



**REGULATORY  
SERVICES  
COMMITTEE**

6 June 2013

**REPORT**

**Subject Heading:**

**P0376.13: Briar Site 90-  
Garage/parking court & open space  
between 3 Harebell Way, Romford**

**Demolition of existing garages and  
erection of two storey building  
providing 2 houses ( 1 x 3 bed and 1 x  
2 bed); creation of parking (application  
received 28 March 2013)**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[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	[ ]

## SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,940.00. This is based on the creation of 97m<sup>2</sup> of new gross internal floor space.

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

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

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

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

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

2. Accordance with plans - The development hereby permitted shall be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

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

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

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

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

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

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

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

6. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be retained thereafter in accordance with the approved plans.

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

7. 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.

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

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

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

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



h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

11. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accords with the LDF Development Control Policies Development Plan Document Policy DC53.

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

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

16. Levels - Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. In aiming to satisfy condition 15 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for

any highway works (including temporary works) required during the construction of the development.

4. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
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.

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.

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

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The application site is located to the east side of Lavender Close, to the north of its junction with Briar Road. There are presently two garage blocks. The block at the western end forms part of the application site; the garages to the east are outside of the application site. There is an area of grass verge to the western boundary of the site and also a grassed strip to the northern edge of the site. These are included in the application site boundaries.
- 1.2 To the immediate north of the application site, beyond the grassed strip, are residential properties in the terrace no.11-17 Harebell Way, which back on

to the site. South of the site is the side boundary of no.3 Harebell Way. To the east, beyond the existing garage block is the side boundary of no. 7 Harebell Way, grass verge and walkways. To the west the site has a boundary on to Lavender Close. No. 36 Lavender Close adjoins the north/north-west site boundary. This is a three storey, end terrace property. The other dwellings within the vicinity of the application site are two storeys.

## **2. Description of Proposal**

- 2.1 The application will involve the demolition of the existing garage blocks to the western side of the site. The existing garage block to the east is outside the application site, although the application drawings indicate that this is also to be demolished. The proposal is for the construction of two dwellings, one no. 3 bedroom and one no. 2 bedroom
- 2.2 The dwellings have a combined width of 11.5m and are 9.8m deep. They will front on to Lavender Close and have a staggered building line. They are two storey dwellings, with a gable ended pitched roof some 9.2m high to ridge.
- 2.3 There will be 12 surface parking spaces within the site. Three of the spaces would be allocated to the proposed new dwellings.

## **3. Relevant History**

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 15 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee on 21 May. All were approved.

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

- 4.1 Neighbour notification letters have been sent to 29 local addresses. No letters of representation were received.
- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle

parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24<sup>th</sup>, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.
- 4.6 Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted.

## **5. Relevant Policies**

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design SPD, Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

### **6.2 Background**

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

#### **The Briar and consultation to date**

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those

living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.

- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.



### **6.3 Principle of Development**

- 6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.
- 6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

### **6.4 Layout, Design and Visual Impact**

- 6.4.1 The proposed development occupies the site of existing garages blocks and largely constitutes previously developed land. The site also incorporates an area of grass verge adjacent to Lavender Close, in addition to a grassed strip to the northern side of the site. Given that the proposed development would effectively continue an existing terrace fronting on to Lavender Close and that an existing verge to the south of the site is retained this is not considered to be detrimental to the overall character of this part of the Estate. There is also scope to obtain further tree planting through a landscaping condition.
- 6.4.2 The proposed dwellings would front on to Lavender Close. The houses have a staggered building line and the most northerly of the pair will sit slightly forward of the front building line of the adjacent terrace, although not to the extent that would materially harm adjacent amenity. Furthermore, staggered front building lines are characteristic of this streetscene, for example the terrace at nos. 34-36 Lavender Close sit further forward of the terrace at 27-33 Lavender Close, such that the position of the dwellings is not judged to appear materially out of character.
- 6.4.3 Each dwelling is provided with private, rear amenity space, which is in the region of 68 square metres for the most northerly property and around 63 square metres for the southerly dwelling. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.
- 6.4.4 The proposed dwellings are two storeys high and are of a design that is compatible with that of surrounding property. Whilst the neighbouring properties in Lavender Close are three storey the overall height of the new development is relatively similar as the new houses have a dual pitched roof, whilst the three storey properties do not. The development is not considered to be materially out of scale or character with the neighbouring dwellings.

6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.

6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

## **6.5 Impact on Amenity**

6.5.1 To the north, the nearest residential property is 36 Lavender Close, which is side on to the application site. The proposed dwellings sit alongside the flank wall of this property, which has no windows to the flank elevation, such that the relationship between these properties is considered to be acceptable.

6.5.2 The proposed new dwellings are set well away from the boundary of the site with existing residential properties to the north-east, east and south not to materially harm privacy and amenity.

## **6.6 Parking and Highway Issues**

6.6.1 The proposed development provides a total of 12 surface parking space, of which three would be dedicated to the proposed new dwellings (one space for the two bed unit and two for the 3 bed unit). This is slightly below the LDF parking requirement of 1.5-2 spaces per dwelling but not sufficiently so that parking for the proposed dwellings is considered to be an issue. However the proposal will also involve the loss of existing parking so overall it will result in a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

6.6.2 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.

6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays,

some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.

6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.

6.6.5 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

## **6.7 Infrastructure**

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

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

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 181 square metres less 84 square metres of floorspace (i.e. 97 square metres), which equates to a Mayoral CIL payment of £1,940 subject to future indexation.

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

## **8. Conclusion**

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

## IMPLICATIONS AND RISKS

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

None directly arising from this application.

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

Legal resources will be required for the completion of a legal agreement

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

None.

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

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

## BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

6 June 2013

**Subject Heading:**

**P0379.13: Briar Site 10C- Garage court between 52-54 Myrtle Road and 2 Barberry Close, Romford**

**Demolition of existing garages and erection of a pair of two storey semi-detached houses (2 x 3 bed); creation of parking (application received 28 March 2013)**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[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	[ ]

## SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,000.00. This is based on the creation of 100m<sup>2</sup> of new gross internal floor space.

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

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

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

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

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

2. Accordance with plans - The development hereby permitted shall be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

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

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

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

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

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

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

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

6. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be retained thereafter in accordance with the approved plans.

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

7. 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.

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

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

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

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



- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

11. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accords with the LDF Development Control Policies Development Plan Document Policy DC53.

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

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

16. Levels - Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

17. Works of Reinstatement – Prior to the demolition of the garage block at the southern end of the site, details of works for the making good/repair of the flank wall of no.2 Barberry Close, shall be submitted to and approved in writing by the Local Planning Authority, together with a timescale for the carrying out of the work. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the resulting development has a satisfactory impact on neighbouring amenity and local character and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

18. Windows – fixed/obscured – Notwithstanding the details shown on the approved plans, the proposed first floor rear windows of both dwellings hereby approved shown on the plans as serving bathrooms and the landing 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.

## **INFORMATIVES**

1. In aiming to satisfy condition 15 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
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.

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.

### **Reason for Approval:**

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9,

6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is located to the western side of Barberrry Close, with properties at 46-52 Myrtle Road located to the north and 54-58 Myrtle Road locations to the west of the site. The site is currently occupied by two garage blocks, one each to the north and south boundaries of the site, totalling 8 units.
- 1.2 To the immediate south of the application site is the flank wall of no. 2 Barberrry Close. This is a three storey property with a staggered roof line. The residential properties at 52 and 54 Myrtle Road a flank on to the north and west boundaries of the site respectively. They are two storey dwellings with steeply pitched roofs.

### 2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a 2 no. 3 bedroom dwellings.
- 2.2 The dwellings have a combined width of 18.5m and are 6.5m deep. They will front on to Barberrry Close and have a slightly staggered building line. They are two storey dwellings, with a gable ended pitched roof some 8m high to ridge.
- 2.3 There is no parking provision made directly within the application site. However, as part of the wider Briar Road regeneration strategy it is indicated that parking would be created on the other side of Barberrry Close, of which four parking spaces would be allocated to the new dwellings.

### 3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 15 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee on 21 May. All were approved.

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

4.1 Neighbour notification letters have been sent to 20 local addresses. Two letters of representation have been received, objecting to the proposal on the following grounds:

- pedestrian thoroughfares will be closed
- will worsen parking situation
- loss of light
- overlooking
- will be unable to access Barberry Close for parking now and will have to park further away

4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

4.3 The proposals have been exhibited at a public meeting on the estate on April 24<sup>th</sup>, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.

4.4 The fire brigade (water and access) have raised no objection to the proposals.

4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.

4.6 Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted.

## **5. Relevant Policies**

5.1 The National Planning Policy Framework

5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.

5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design SPD, Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

### **6.2 Background**

6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

### **The Briar and consultation to date**

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.



- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.
- 6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

### 6.3 **Principle of Development**

- 6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.
- 6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

### 6.4 **Layout, Design and Visual Impact**

- 6.4.1 The proposed development occupies the site of existing garages blocks and is previously developed land. There is existing development on either side of the site fronting on to Barberr Close, such the proposed development is not considered harmful to the overall character of the streetscene.
- 6.4.2 The proposed dwellings would front on to Barberr Close. The most southerly house will sit slightly forward of the front building line of the adjacent terrace but not to the extent that would materially harm adjacent amenity. Furthermore, staggered front building lines are characteristic of this streetscene, such that the position of the dwellings is not judged to appear materially out of character.
- 6.4.3 Each dwelling is provided with private, rear amenity space, which is in the region of 60 square metres for the southerly property and around 80 square

metres for the northerly dwelling. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

- 6.4.4 The proposed dwellings are two storeys high and are of a design that is compatible with that of surrounding property. They are lower than the three storey housing to the south of the site but other houses nearby are two storeys high so the development remains generally compatible with local character. The development is not considered to be materially out of scale or character with the neighbouring dwellings.
- 6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

## 6.5 **Impact on Amenity**

- 6.5.1 To the north, the nearest residential property is 52 Myrtle Road, which is side on to the application site. It is separated from the application site by a pedestrian walkway, which is outside the application site and would not be affected by the proposals. No.52 Myrtle Road has no windows to the flank elevation and there would be a separation distance of some 3.5m flank to flank, such that the relationship between these properties is considered to be acceptable.
- 6.5.2 To the south of the site is no. 2 Barberry Close, a three storey property which is side on to the application site. This property has no flank windows so would not be materially affected by the proposal in terms of privacy or amenity. It is noted that the existing garage block to be removed adjoins this property and a condition detailing the nature of any works of making good is recommended. The flank wall of no.2 Barberry Close will project some 3.8m beyond the rear wall of the proposed new dwelling. Staff have considered whether this would be unreasonably oppressive to the living environment of the future occupier of this dwelling but given this affects only one boundary and the remaining site boundaries would not be enclosed in a similar manner, on balance the relationship is considered to be acceptable.
- 6.5.3 To the west of the application site is no. 54 Myrtle Road, which is located side on to the application site. This property has no flank windows which would be materially affected by the proposals. The rear elevations of the proposed dwellings face towards the side boundary of this dwelling at a distance of some 7m (for the southerly house) and 8m (for the northerly house) from the shared boundary. The most northerly dwelling has been

designed so that the first floor rear window to the bedroom would look towards the neighbours flank wall. The remaining first floor rear windows are to non-habitable rooms (bathroom and landing) so could be obscure glazed. This is considered sufficient to maintain the privacy and amenity of the property to the rear of the site. The most southerly dwelling is also designed so that the only habitable room window (bedroom) in the first floor rear elevation would not look directly into the neighbours gardens. Subject to a condition to control the provision and retention of obscure glazing Staff consider the development to have an acceptable impact on neighbouring residential amenity.

## **6.6 Parking and Highway Issues**

- 6.6.1 The proposed development does not provide any dedicated on site parking so does not fully comply with the LDF parking requirements. Additionally it will involve the loss of existing garage blocks so overall it will result in a loss of parking within the estate. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole. It should be noted that the strategy indicates there would be potential to provide new parking facilities on the eastern side of Barberry Close, within which dedicated spaces for the new dwellings could be provided.
- 6.6.2 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.

6.6.5 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

## **6.7 Infrastructure**

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

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

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 196 square metres less 96 square metres of floorspace (i.e. 100 square metres), which equates to a Mayoral CIL payment of £2,000 subject to future indexation.

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

## **8. Conclusion**

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The application does not provide parking for the new dwellings but considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.

8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

## **IMPLICATIONS AND RISKS**

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

None directly arising from this application.

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

Legal resources will be required for the completion of a legal agreement

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

**BACKGROUND PAPERS**

Application forms, plans and supporting documents received on 28th March 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

6 June 2013

**Subject Heading:**

**P0385.13: Briar Site 10K-  
Garage/parking court between 12-16  
Pimpernel Way, 89-95 Chatteris Avenue  
& 1-6 Lucerne Way and open space  
between 1 Lucerne Way and 95  
Chatteris Avenue, Romford**

**Report Author and contact details:**

**Demolition of existing garages and  
erection of two storey terrace  
providing three houses (3 x 3 bed);  
creation of parking (application  
received 28 March 2013)**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[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	[ ]

## SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £4,340.00. This is based on the creation of 217m<sup>2</sup> of new gross internal floor space.

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

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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



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

2. Accordance with plans - The development hereby permitted shall be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

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

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

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

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

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

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

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

6. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be retained thereafter in accordance with the approved plans.

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

7. 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.

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

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

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

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

- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

11. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accords with the LDF Development Control Policies Development Plan Document Policy DC53.

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

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

16. Levels - Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. In aiming to satisfy condition 15 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for

any highway works (including temporary works) required during the construction of the development.

4. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
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.

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.

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

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is located to the north side of Lucerne Way. It is backed on to the north and west sides by the rear gardens of neighbouring terraced housing. There is a residential terrace facing on to the east boundary of the site. The site currently occupied by a single garage block at the western end of the site and surface car parking totalling some 16 spaces in all. The application also includes a separate parcel of land located to the north-east of the application site, adjacent to Chatteris Avenue, which is currently an areas of grass verge.
- 1.2 To the north of the main application site is a terrace of dwellings nos. 89-95 Chatteris Avenue. These are two storey dwellings backing on to the application site. To the west is the terrace no. 12-23 Pimpernel Way.

These are two storey houses backing on to the application site. To the east is a terrace of dwellings no. 1-6 Lucerne Way. These are also two storey dwellings fronting on to the application site. There are also dwellings to the south of the site, which face towards the site across Lucerne Way.

## **2. Description of Proposal**

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a terrace of 3 no. 3 bed dwellings.
- 2.2 The dwellings have a combined width of 17.m and are 10.2m deep. They will front on to Lucerne Way. The dwellings are of a traditional design, with a hipped roof measuring 9.2m high to ridge.
- 2.3 The application provides a total of 6 surface parking spaces, which will be situated approximately 15m away from the dwellings on land fronting Chatteris Avenue. These would all be allocated to the new dwellings.

## **3. Relevant History**

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 15 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee on 21 May. All were approved.

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

- 4.1 Neighbour notification letters have been sent to 42 local addresses. 19 copies of a pro-forma letter have been received, objecting to the proposal on the following grounds:

- overdevelopment of area
- loss of existing parking facilities
- disruption during building works
- increased noise
- loss of daylight and overshadowing
- cars will be vulnerable to vandalism if cannot park near homes
- overlooking and loss of privacy
- devaluation of property
- impact on drains
- parking surveys inadequate
- will affect residents insurance premiums
- works will block disabled bus route
- houses will look out of place
- parking allocation is unfair
- restrictions on access
- local tenants should have first option on new units

- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24<sup>th</sup>, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.
- 4.6 Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted.

## **5. Relevant Policies**

- 5.1 The National Planning Policy Framework



- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design SPD, Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

- 6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

### **6.2 Background**

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

## **The Briar and consultation to date**

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build the new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

### **6.3 Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

### **6.4 Layout, Design and Visual Impact**

6.4.1 The proposed development occupies the site of existing garages blocks and surface car parking and is previously developed land. The proposed development would front on to Cloudberry Way but would not project beyond the building line set by the flank wall of no.12 Pimpernel Way, such that the proposed development is not considered to be harmful to the overall character of the streetscene.

6.4.2 The proposed dwellings would be seen in the context of three storey dwellings, which enclose the north, west and eastern boundaries of the site. In the context of the local streetscene and the position of neighbouring development this is not judged to be intrusive or out of character with the locality.

6.4.3 Each dwelling is provided with private, rear amenity space, which is in the region of 42 square metres. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are of traditional design and appearance and are two storeys high, which is entirely consistent with the character of nearby development. The development is not therefore considered to be materially out of scale or character with the neighbouring dwellings.

6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.

6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

## 6.5 **Impact on Amenity**

6.5.1 To the east, the nearest residential properties are the terrace at 1-6 Lucerne Way, which front on to the side boundary of the application site. These dwellings face towards the application site at a distance of 8m. On balance, this is considered sufficient to ensure a reasonable degree of privacy for future occupiers of the development and is sufficient to prevent an unreasonably harmful impact on the occupiers of residential properties to the east of the site.

6.5.2 To the north of the site is the terrace of dwellings at 89-95 Chatteris Avenue. These back on to the application site at a distance of 10m from rear elevation to the back of the proposed gardens and 18.5m back to back. Staff are satisfied that these distances will ensure an acceptable degree of residential amenity for both existing residents and future occupiers of the proposed dwellings.

6.5.3 To the west of the application site is the terrace of dwellings at 12-23 Pimpnel Way, of which nos. 12-16 back directly on to the application site. The flank wall of the proposed dwellings would be offset from the party boundary with the existing dwellings by around 1.5m, giving a distance of 10.5m between the side boundary of the application site and the rear elevation of 12-16 Pimpnel Way houses. Given this distance, Staff consider that an acceptable degree of residential amenity for both existing residents and future occupiers of the proposed dwellings would be maintained.

6.5.4 Issues of noise have been raised in representations. However, it is noted judged that the inclusion of three single family dwellings in an existing residential area would result in sufficient noise impact to justify refusal. Refusal on grounds of loss of outlook or views also could not be justified in this case.

6.5.5 The proposed parking area adjacent to Chatteris Avenue is separated from neighbouring residential properties and on a well-used road. It is not therefore considered that this would give rise to undue levels of noise and disturbance to occupiers of neighbouring residential property.

## **6.6 Parking and Highway Issues**

- 6.6.1 The proposed development provides 6 dedicated parking spaces for the proposed dwellings, which is compliant in principle with the LDF parking requirements. It is noted that the spaces are not in curtilage but given their close proximity to the site, around 15m, they are considered to be sufficient to meet the needs of the occupiers of the development. It is acknowledged that the proposals overall will result in a net loss of parking provision from this site as it currently provides around 16 spaces. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.
- 6.6.2 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.5 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

## **6.7 Infrastructure**

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

## **6.8 Other Issues**

- 6.8.1 Turning to other issues raised in representations, a number of these are not material planning considerations. These include noise and disruption during construction works, the impact on drains, devaluation of property, impact on insurance premiums, issue of how the properties and parking spaces will be allocated to future residents. A condition will however be imposed in respect of the proposed construction methodology to limit the impact on residential amenity as far as possible. The strategy for the estate as a whole is to design new development so as to help reduce problems of anti-social behaviour, such as vandalism of vehicles

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

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 289 square metres less 72 square metres of floorspace (i.e. 217 square metres), which equates to a Mayoral CIL payment of £4,340 subject to future indexation.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

## **8. Conclusion**

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The application provides parking for the new dwellings, which is numerically compliant with the LDF. The spaces are not in cartilage but are judged to be sufficiently close to the application site. Whilst there would be a net loss of parking provision compared to the site as it currently exists, in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

## IMPLICATIONS AND RISKS

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

None directly arising from this application.

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

Legal resources will be required for the completion of a legal agreement

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

None.

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

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

## BACKGROUND PAPERS

Application forms, plans and supporting documents received on 28th March 2013.

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# REGULATORY SERVICES COMMITTEE

6 June 2013

# REPORT

**Subject Heading:**

**P0393.13: Briar Site 1A-  
Garage/parking court, Pimpernel Way,  
Romford**

**Demolition of existing garages and  
erection of three, two/three storey  
houses (1 x 4 bed, 2 x 3 bed); creation  
of parking (application received 28  
March 2013)**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough	[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	[ ]

## SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £4,860.00. This is based on the creation of 243m<sup>2</sup> of new gross internal floor space.

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

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

2. Accordance with plans - The development hereby permitted shall be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

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

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

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

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

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

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

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

6. Boundary Treatment – The development hereby approved shall not be occupied until boundary fencing has been erected on the site in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be retained thereafter in accordance with the approved plans.

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

7. 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.

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

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

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

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

- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

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

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

11. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, C, D or E (other than outbuildings with a volume no greater than 10 cubic metres) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accords with the LDF Development Control Policies Development Plan Document Policy DC53.

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

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

16. Levels - Before any of the development hereby permitted is commenced, details of finished ground levels of the site and ground floor levels of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure that the development would not have any unforeseen adverse impact on the appearance of the area or amenity of nearby occupiers, in accordance with Policy DC61 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. In aiming to satisfy condition 15 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for

any highway works (including temporary works) required during the construction of the development.

4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

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.

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

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan and Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The application site is located to the north side of Pimpernel Way, to the immediate south of its junction with Myrtle Road and east of Cloudberry Road. The site is currently occupied by a single garage block at the western end of the site and surface car parking totalling some 19 spaces in all. Ground levels fall gently to the south.
- 1.2 To the immediate south of the application site is a terrace of dwellings nos. 1-7 Pimpernel Way. These are predominantly two storey save for the end unit (no.1), which is three storeys high. To the east side of the site is a three storey terrace of dwellings nos. 24-28 Pimpernel Way. The locality is primarily residential in character.

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

- 2.1 The application will involve the demolition of the existing garage blocks and the construction of a 3 no. dwellings, one of which is a 4 bed unit and the other two 3 bed units.



- 2.2 The dwellings have a combined width of 17.5m and are 10.2m deep. They will front on to Cloudberry Road. The dwellings are designed with a steep, gable ended asymmetrical roof pitch. The most northerly of the units is three storeys and measures 10.7m to ridge and the remaining two units are two storeys measuring around 9.3m to ridge, taking into account variations in ground level.
- 2.3 The application provides a total of 12 surface parking spaces, of which 6 would be allocated to the new dwellings.

### **3. Relevant History**

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 15 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee on 21 May. All were approved.

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

- 4.1 Neighbour notification letters have been sent to 42 local addresses. 19 individual letters of representation and 18 copies of a pro-forma letter have been received, objecting to the proposal on the following grounds:

- overdevelopment of area
- loss of existing parking facilities
- disruption during building works
- increased noise
- loss of daylight
- cars will be vulnerable to vandalism if cannot park near homes
- overlooking and loss of privacy
- devaluation of property
- will lose views of trees and greenery
- alleyway will cause anti-social problems
- should focus on empty properties instead
- impact on drains
- impact on local surgeries and schools
- loss of safe area for children to play
- parking surveys inadequate
- will affect residents insurance premiums
- works will block disabled bus route
- houses will look out of place
- parking allocation is unfair
- restrictions on access
- local tenants should have first option on new units

- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

Parking and traffic congestion - Many of the applications relate to the proposed development of garage sites and open parking areas. The current estate layout prevents many residents from having parking spaces close to where they live. The combined impact of reduced parking and garage spaces will give rise to increased congestion and in many cases residents parking vehicles even further from their place of residence. The distance of vehicle parking from place of residence is likely to create increased levels of car crime e.g. theft from vehicles and damage and theft of vehicles. Whilst it is appreciated that the new dwellings built will have dedicated vehicle parking spaces the provision will not necessarily cope with the total demand for parking creating overspill onto the Estate. A concern that has been expressed to me by a number of residents is that the new occupiers will have the advantage of a least one dedicated space whereas most of the existing residents will be in an inferior position leading to tensions between residents.

Building on Open Space - A number of the applications relate to building new homes on open green space which was planned open space for the amenity of residents when the Estate was first designed and built. Many residents have small gardens and quite a lot who live in flats have no gardens at all. Open space on the Estate was designed for its amenity value because of the nature of the way the estate was laid out. By using a number of these spaces the impact will be over development and reduce significantly amenity.

Overlooking – A number of the proposed housing developments are to be built close to existing properties overlooking them and in some cases reducing sun light.

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24<sup>th</sup>, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.

## **5. Relevant Policies**

- 5.1 The National Planning Policy Framework
- 5.2 Policies 3.3, 3.4, 3.5, 5.3, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4 and 8.2 of the London Plan are material considerations.
- 5.3 Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC7, DC32-36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72

of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the draft Planning Obligations SPD, Residential Design SPD, Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of the development and the linkage between this application and the wider regeneration strategy for the Briar Road estate and Harold Hill generally; the design and visual impact of the development and its impact on the character of the Briar Road estate; the impact on amenity and parking and highway issues.

## **6.2 Background**

6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.

6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.

6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.

6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

## **The Briar and consultation to date**

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.
- 6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.
- 6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.
- 6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build the new homes.
- 6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

### **6.3 Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

### **6.4 Layout, Design and Visual Impact**

6.4.1 The proposed development occupies the site of existing garages blocks and surface car parking and is previously developed land. The proposed development would front on to Cloudberry Way but would not project beyond the building line set by the flank wall of no.1. Pimpernel Way, such that the proposed development is not considered to be harmful to the overall character of the streetscene.

6.4.2 The proposed dwellings would be clearly visible in the Myrtle Road streetscene as they sit further forward of the existing building line. In the context of the local streetscene and the position of neighbouring development this is not judged to be intrusive or out of character and the impact of the development in the Myrtle Road streetscene will also be mitigated by the lower ground levels within the application site.

6.4.3 Each dwelling is provided with private, rear amenity space, which is in the region of 52 square metres for each of the three bed houses and slightly larger for the four bed houses. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 The proposed dwellings are a mix of two and three storeys high, which is entirely consistent with the character of nearby development. The development is not therefore considered to be materially out of scale or character with the neighbouring dwellings.

6.4.5 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.

6.4.6 The Borough Crime Prevention Design Advisor raises no objection to the proposals. Staff are satisfied with the proposal in terms of community safety issues subject to a planning condition, which will secure details of how the proposal complies with Secure by Design objectives.

## **6.5 Impact on Amenity**

6.5.1 To the east, the nearest residential properties are the terrace at 24-28 Pimpernel Way, which face towards the rear boundary of the application site. There is a separation distance of over 26m from the rear elevation of the proposed dwellings and the front elevation of the houses behind. It is considered that this is sufficient to prevent a material loss of light or privacy. The Pimpernel Way properties would face the rear garden of the proposed dwellings at a distance of around 17m and this is considered to provide a sufficient degree of amenity for future occupiers of the proposed dwellings.

6.5.2 To the south of the site is the terrace of dwellings at 1-7 Pimpernel Way. There is a separation distance of more than 16m between the front elevation of these dwellings and the flank elevation of the proposed new dwellings. This distance is considered sufficient to ensure no material loss of amenity to residents south of the site will occur.

6.5.3 To the west of the application site is the flank wall of no.2 Myrtle Road. The proposed dwellings would face towards the side elevation and rear garden of this property at a distance of 14.5m. Given this distance and that views would be across a public highway no material harm to the privacy and amenity of the occupiers of 2 Myrtle Road is considered to occur.

6.5.5 Issues of noise have been raised in representations. However, it is noted judged that the inclusion of three single family dwellings in an existing residential area would result in sufficient noise impact to justify refusal. Refusal on grounds of loss of outlook or views also could not be justified in this case.

## **6.6 Parking and Highway Issues**

6.6.1 The proposed development provides 6 dedicated parking spaces for the proposed dwellings, which is compliant with the LDF parking requirements. However, it is acknowledged that the proposals overall will result in a net loss of parking provision from this site, currently there are 19 spaces reducing to 12. It is noted that the terrace of dwellings at 24-28 Pimpernel Way have integral garages (one of which has been converted to a habitable room) and off street parking within their front gardens, which will not be affected by the proposed development. Although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

- 6.6.2 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.5 Highways have raised no objection on highway safety or traffic movement grounds. No objections are raised in terms of emergency service access.

## **6.7 Infrastructure**

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

## **6.8 Other Issues**

- 6.8.1 Turning to other issues raised in representations, a number of these are not material planning considerations. These include noise and disruption during construction works, the impact on drains, devaluation of property, impact on insurance premiums, issue of how the properties and parking spaces will be allocated to future residents. A condition will however be imposed in respect of the proposed construction methodology to limit the impact on residential amenity as far as possible. The proposal does not create any new alleyways and the strategy for the estate as a whole is to design new development so as to help reduce problems of anti-social behaviour, such as vandalism of vehicles

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

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 315 square metres less 72 square metres of floorspace (i.e. 243 square metres), which equates to a Mayoral CIL payment of £4,860 subject to future indexation.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

## **8. Conclusion**

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The application provides parking for the new dwellings in accordance with the LDF. Whilst there would be a net loss of parking provision compared to the site as it currently exists, in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

## **IMPLICATIONS AND RISKS**

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

None directly arising from this application.

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

Legal resources will be required for the completion of a legal agreement

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

None.

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



The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

## **BACKGROUND PAPERS**

Application forms, plans and supporting documents received on 28th March 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

6 June 2013

**Subject Heading:**

Planning Contravention  
76 Lower Bedfords Road, Romford, Essex

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulation Manager  
01708 432685  
simon.thelwell@havering.gov.uk  
Local Development Framework

**Policy context:**

**Financial summary:**

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

**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
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

**SUMMARY**

On 31 October 2011 the Authority received a complaint that the development was not being constructed in accordance with the plans as approved by application P1030.09. It was alleged that the development was actually built in accordance with plans relevant to an earlier refused application P0527.09. A site visit was carried out on 3 February 2012 and the Officer confirmed that the development was not built in accordance with the approved plans, but it did not resemble the refused application. There is an extension to the original rear roof that is linked with an extension at first floor level that extended over the existing single storey

extension. The owner of the property claims that he only had one set of plans to work from (Refused application P0527.09) as his agent had only supplied him with this version. The Council contend that the development as constructed is not built in accordance with both the approved and refused schemes

## RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 months of the date the notice becomes effective:

1. To remove the extension to the original rear roof and linked extension at first floor level over existing single storey extension and revert back to the original bungalow style dwelling as shown on the attached plan.
2. Remove all materials resulting from compliance with step 1 above

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

## REPORT DETAIL

### 1. **Site Description**

1.1 76 Lower Bedfords Road, Romford is a detached chalet bungalow located at the junction of Lower Bedfords Road and Risebridge Chase. Immediately to the east of the site is a similar detached bungalow with loft accommodation and to the west, there are two storey semi-detached houses. The site is within the Metropolitan Green Belt.

1.2 The authorised use is as a single family dwelling.

### 2. **Relevant Planning and Enforcement History**

P0527.09 – Loft conversion with front dormers, first floor roof extension and pitched roof to garage. Juliette balcony to front. – Refused.

P1030.09 – Bungalow to chalet with front dormers and Juliet balcony to front – Approved

No relevant enforcement history.

### 3. **The Alleged Planning Contravention**

- 3.1 Without planning permission, conversion of the existing bungalow to a chalet bungalow with front dormers and Juliet balcony to the front. This includes extensions to the original rear roof and linked extension at first floor level over existing single storey extension. This development has not been constructed in accordance with approved planning application P1030.09 nor does it resemble the refused application P0527.09.
- 3.2 The roofline has excessive bulk and bears no resemblance to the approved plans. The approved plans show a rear dormer extension and alterations to the property to change from a single storey bungalow to a chalet style bungalow. The dormer window on the approved plan should be a subordinate dormer that is contained within the roof profile whereas the development on site is an extension to the original rear roof and linked extension at first floor level that extends over the existing single storey extension.

### 4. **Policy and Other Material Considerations**

- 4.1 The site is within the Metropolitan Green Belt. The Local Development Framework and Government Guidance as set out in National Planning Policy Framework is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area. New buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The development, combined with previous extensions, increases the volume of the original dwelling house by some 90%. This has resulted in disproportionate additions significantly over and above the size of the original building. Staff consider that the extensions and alterations constitutes inappropriate development in the Metropolitan Green Belt.
- 4.2 Furthermore it is considered that the unauthorised extensions and alterations fails to maintain the openness of the Green Belt and result in physical harm to the character and openness of the Green Belt at this point . The extensions also have a significant negative impact upon the appearance of the building. This is because the shape, volume and arrangement of the unauthorised extensions and alterations fail to integrate with the existing dwelling and given its prominent corner location, results in a cramped overdevelopment of the site appearing as an incongruous, dominant, overbearing and visually intrusive feature in the streetscene and rear garden environment. This is harmful to the open and spacious character and appearance of the surrounding area.
- 4.3 Staff has not been made aware of any material considerations, either individually or cumulatively, which would clearly outweigh the harm to the Green Belt and any other harm. It is considered that the unauthorised extensions and alterations are therefore contrary to the adopted Local Development Framework policies DC45 & DC61 of the Core Strategy and Development Control Policies DPD, London Plan policies 7.6 & 7.16 and

the NPPF because of the significant harm caused by the in-principle and physical harm to the Green Belt and to the character and appearance of the surrounding area.

4.4 The breach has been pointed out to the owner, and an application has been invited. To date, no application has been received and no remedial work undertaken.

5. **Recommendation for action**

5.1 Staff consider that in circumstances it would not be appropriate to invite a retrospective application which is likely to be refused on the same grounds as the previously refused application. In the intervening period there have been no changes to the Development Plan that impact on the unauthorised development and officers consider that the extension as constructed is of a greater bulk and mass than the refused application.

5.2 Therefore it is recommended that an Enforcement Notice requiring the development to be demolished.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

Enforcement action may have financial implications for the Council.

**Legal implications and risks:**

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

**Human Resources implications and risks:**

No implications identified.

**Equalities implications and risks:**

Section 149 of the Equalities Act 2010 (EA) came in to force on 1<sup>st</sup> April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard

to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

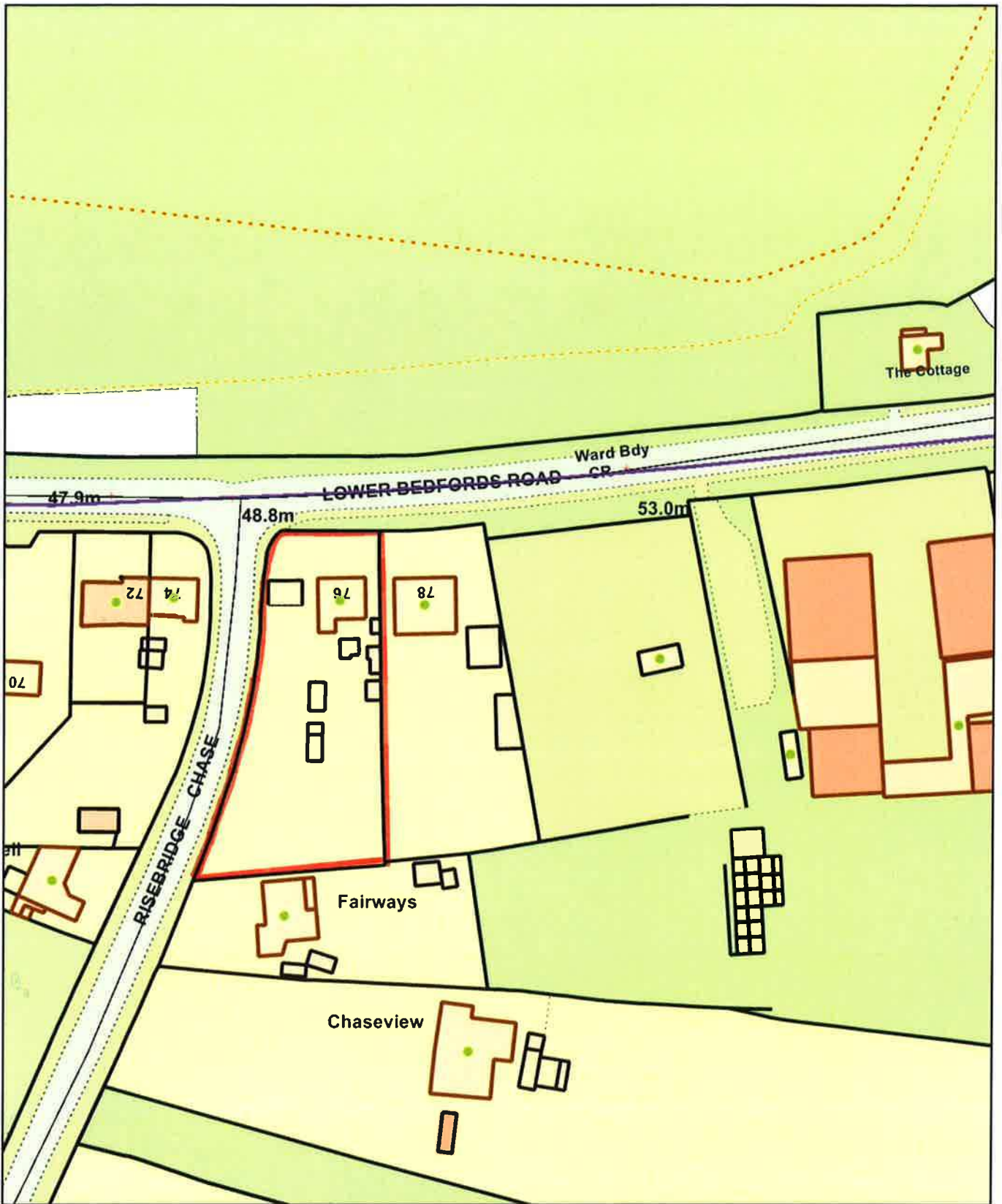
Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised

## **BACKGROUND PAPERS**

- 1. Non-exempt notes and correspondence on case file*
- 2. Aerial Photographs*
- 3. Relevant Planning History*

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76 Lower Bedfords Road.








**Scale: 1:1000**  
**Date: 24 May 2013**  
**Size: A4**





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# REGULATORY SERVICES COMMITTEE

6 June 2013

# REPORT

**Subject Heading:**

Planning Contravention  
Land adjacent to 167 Upminster Road,  
Upminster

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulations Manager  
01708 432685

**Policy context:**

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Local Development Framework

**Financial summary:**

Enforcement action and a defence of the  
Council's case in any appeal will have  
financial implications.

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

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

## SUMMARY

This report concerns the use of land adjacent to 167 Upminster Road as a car wash. The site comprises a car wash facility on part of the former parking area of Bridge House Public House to the east of the site. The temporary planning permission gained under reference P0920.10 expired on 6 August 2012. Despite numerous requests for a further planning application, no application has been submitted. It is considered that in the absence of a planning application with appropriate conditions, the Council are unable to control any materially harmful impact on neighbouring properties by reason of noise and disturbance or on the operation of the highway due to site layout.

The change of use has occurred within the last 10 years and therefore it is requested that authority be given to issue and serve an Enforcement Notice to seek to remedy the breach.

## RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require within 6 months of the effective date of the enforcement notice:

- i) Cease the use of the land for the washing and valeting of vehicles.
- ii) Remove from the Land all machinery, equipment, apparatus, cleaning materials, vehicles, tools, scrap, waste, signage and installations brought onto the land associated with the unauthorised use at (i) above.

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The site comprises a car wash facility on part of the former parking area of Bridge House Public House to the east of the site. The site is backed by a railway embankment and to the opposite side of Upminster Road are mainly commercial uses around the Upminster Bridge Underground Railway Station with some residential above. Further along Upminster Road are two-storey residential properties and on the other side of the high railway embankment.

### 2. The Alleged Planning Contravention

- 2.1 Without planning permission, a change of use to a car wash.

### 3. Relevant Planning History

P1612.01 Redevelopment of the site to provide two-storey building containing 4, self contained 1 bedroom flats associated parking and amenity space. – approved

P1186.06 Change of use of the land to a car wash and retention of portacabin – approved for temporary period

P0324.08 Retention of temporary car wash facility for a 2-year period – approved for temporary period

P0920.10 Retention of temporary car wash facility for a 2-year period – approved for temporary period.

#### 4. **Enforcement Background**

4.1 In August 2012 the Authority received a complaint that although the temporary planning permission to use the land as a car wash had expired, the use was continuing. Officers investigated the complaint and concluded that the use was now unauthorised as a new application for further temporary or permanent permission had not been submitted.

4.2 It is alleged that noise and disturbance is being caused by the use of valeting tools and the use of jet washers.

4.3 The Authority has made numerous requests through the owner and his agent for the submission of a planning application however none has been forthcoming and the unauthorised use continues.

#### 5. **Policy and Other Material Considerations**

5.1 The issue is whether it is expedient for the Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised change of use. The relevant policies are CP1, DC33, DC51, DC55 and DC61 of the adopted Local Development Framework.

#### 6. **Justification for action intended action**

6.1 The use of a former petrol station as a car wash and valeting service constitutes a material change of use that requires planning permission. This may be acceptable in principle however in the absence of a planning application the Council are unable to impose conditions to adequately control the use.

6.2 A permanent car wash use would prevent the use of the site for its preferred use (housing). Whilst this would be contrary to policy CP1, the use of the site as a car wash for a temporary period would be acceptable on the basis that it would not result in a permanent displacement of the preferred use of the site for housing.

6.3 Policy DC55 states that planning permission will not be granted if it will result in noise and vibrations above acceptable levels.

- 6.4 Power sprays and vacuum cleaners are used on site for valeting purposes. It is the noise and disturbance for their operation that has resulted in complaints from residents. The Council is seeking to minimise the impact on local residents.
- 6.5 Policy DC61 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 and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes.”*
- 6.6 There appears to be a noise impact which could be controlled by the hours of operations.
- 6.7 Policy DC32 seeks to ensure that development does not have an adverse impact on the road network. Without conditions securing an adequate layout of the site including parking and waiting space, there could be impacts on the highway.
- 6.7 For the reasons set out above and despite numerous requests the failure to submit a planning application it is considered that the use of the site needs to be controlled by the Planning Authority and in the absence of a planning application and to ensure that there is compliance with the Council’s Development Control Policies Development Plan Document namely DC33, DC51, DC55 and DC61 the Council should serve an Enforcement Notice. A period of six months to comply with the notice is considered reasonable to allow a suitable planning application to be submitted and determined.

## IMPLICATIONS AND RISKS

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

Enforcement action may have financial implications for the Council.

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

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

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

No implications identified.

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

Section 149 of the Equalities Act 2010 (EA) came in to force on 1<sup>st</sup> April 2011 and broadly consolidates and incorporates the ‘positive equalities duties’ found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability

Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications.

## **BACKGROUND PAPERS**

OS Plan  
Photographs

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167 Upminster Road, Upminster



Scale: 1:500  
Date: 01 May 2013



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