



Havering

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

REGULATORY SERVICES COMMITTEE (MONITORING) AGENDA

7.30 pm

Thursday
20 June 2013

Havering Town Hall,
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

Conservative Group
(7)

Residents' Group
(2)

Labour Group
(1)

**Independent
Residents'
Group**
(1)

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

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**

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING OBLIGATIONS (Pages 1 - 4)

5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 5 - 16)

6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 17 - 30)

- 7 **PROSECUTIONS UPDATE** (Pages 31 - 34)
- 8 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 35 - 48)
- 9 **P0365.13 - BRIAR SITE 6A_2 - OPEN SPACE ADJACENT TO 8-26 COLTSFOOT PATH & 40-98 BARBERRY CLOSE, ROMFORD** (Pages 49 - 66)

Erection of two/three storey building providing a terrace of nine houses (2 x 2 bed, 4 x 3 bed and 3 x 4 bed)

- 10 **P0364.13 - BRIAR SITE 6A_1 - OPEN SPACE AND FOOTWAYS ADJACENT 43 BARBERRY CLOSE, 1-12 BETONY ROAD, 20-26 LAVENDER CLOSE & 8, 71, 73, 75 COLTSFOOT PATH, ROMFORD** (Pages 67 - 82)

Erection of two storey building providing a terrace of five houses (5 x 2 bed); creation of parking and turning areas

- 11 **P0389.13 - BRIAR SITE 9L- OPEN SPACE ADJACENT TO 28 COLTSFOOT PATH, ROMFORD** (Pages 83 - 98)

Erection of two storey detached house (1 x 3 bed)

- 12 **P0381.13 - BRIAR SITE 10M- PARKING COURT AND OPEN SPACE BETWEEN 48 & 50-68 CHARLBURY CRESCENT, ROMFORD** (Pages 99 - 116)

Erection of two storey building providing a terrace of six houses (2 x 2 bed and 4 x 3 bed); creation of parking

- 13 **P0378.13 - BRIAR SITE 9Q- 118-122 STRAIGHT ROAD, ROMFORD** (Pages 117 - 132)

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

- 14 **P0377.13 - BRIAR SITE 9P- 130-134 STRAIGHT ROAD, ROMFORD** (Pages 133 - 148)

Demolition of existing garages and erection of three storey building providing 6 flats (6 x 2 bed); creation of parking

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

16 EXCLUSION OF THE PUBLIC

To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

17 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION

**Ian Burns
Acting Assistant
Chief Executive**

REGULATORY SERVICES COMMITTEE

REPORT

20 June 2013

Subject Heading:

Planning obligations and agreements
(as of the last 6 years)

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Details of S106 agreements can be found as a download from our web page at www.havering.gov.uk/planning. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2013

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
 - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
 - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2013.

IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements usually have either a direct or indirect financial implication.

Legal implications and risks: Significant legal resources are necessary to enable the Council to negotiate and complete legal agreements within the Government's timescale. Monitoring fees obtained as part of completed legal agreements have been used to fund a Planning Lawyer working within the Legal Department and located in the Planning office. This has had a significant impact on the Service's ability to determine the great majority of planning applications within the statutory time periods through the speedy completion of all but the most complex legal agreements.

Human Resources implications and risks: The effective monitoring of legal agreements has HR implications. These are being addressed separately through the Planning Service Improvement Strategy.

Equalities implications and risks: Planning Control functions are carried out in a way which takes account of equalities and diversity.

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REGULATORY SERVICES COMMITTEE

REPORT

20 June 2013

Subject Heading:

Planning and enforcement appeals received, public inquiries/hearings and summary of appeal decisions

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 9 February 2013 and 31 May 2013

RECOMMENDATIONS

That the results of the appeal decisions are considered and the report is noted.

REPORT DETAIL

- 1.1 Since the appeals reported to Members in March 2013, 23 new appeals have been started. These are listed below.

Decisions on 24 appeals have been received during the same period 18 have been dismissed, 3 allowed, 2 withdrawn and 1 deemed invalid

- 1.2 Appeals received between 9 February 2013 and 31 May 2013 is on the attached list (mainly dealt with by written representation procedure).

IMPLICATIONS AND RISKS

Financial implications and risks: Enforcement action may have financial implications for the Council

Legal implications and risks: Enforcement action and defence of any appeals will have resource implications for Legal Services

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

APPEAL DECISIONS - PLANNING				
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
P0664.12 42 & 44 Eyhurst Avenue Hornchurch <i>Two storey rear extension to rear of 42 & 44 and first floor front extension at No.42</i>	Written Repts	Refuse	Delegated	<u>Dismissed</u> The proposed extension would be greater than that of the approved rear extension. The level of natural light in the kitchen of the neighbouring dwelling would be reduced and the level of sunlight would be significantly less than with the approved scheme resulting in a gloomy kitchen environment. Click here to see the appeal decision notice
P0673.12 Land Adj to 1 Kings Cottages Bates Road Harold Wood Romford <i>Proposed attached dwelling to side of existing end terrace house</i>	Written Repts	Refuse	Delegated	<u>Allowed with Conditions</u> The proposed dwelling would be at the end of a terrace but would not be prominent in the street scene. It would be separated sufficiently from neighbouring dwellings and would not have an adverse effect on their outlook and would not appear cramped, or be harmful to the character and appearance of the area. Click here to see the appeal decision notice
P0617.12 Lodge Cottage St Mary's Lane Upminster <i>Erection of 2 no. detached dwellings with associates parking within curtilage of Lodge Cottage</i>	Written Repts	Refuse	Delegated	<u>Dismissed</u> The proposed development would be inappropriate development in the Green Belt. Its relatively cramped appearance would add to the suburban appearance of the group of houses, detracting from the openness of the Green Belt and the character and appearance of the Conservation Area, No very special circumstances were promoted to justify the development. Click here to see the appeal decision notice
P0550.12 2 Park Lane Hornchurch <i>Conversion of attic to self contained flat</i>	Written Repts	Refuse	Delegated	<u>Dismissed</u> The dwelling would not provide an appropriate residential environment because some of the rooms did not have sufficient space for a person of average height to stand and the furniture and other items in the internal space gave the flat a cluttered appearance. The appellant failed to submit or enter into a planning agreement to secure both parking and infrastructure contribution as required by the Council Click here to see the appeal decision notice

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<p>P0064.12 Leprechaun Gerpins Lane Upminster <i>Use of lake for recreational angling. Retention and modification of 3 no. existing mobile homes adjacent to fishing lake to provide ancillary accommodation for angling parties</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The three Lodges materially harmed the openness of the Green Belt. Moreover the provision of three lodges was not strictly necessary to support recreational fishing of the lake. No detailed appraisal of the wider viability of the site was available to enable the Inspector to assess it and no evidence to suggest that failure to grant permission would lead to the neglect of the site. Click here to see the appeal decision notice</p>
<p>P0837.12 22 Collier Row Road Romford <i>Change of use from use class A1 (retail) to use class A2 (financial and professional services)</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The change of use and loss of the retail function would upset the current balance, and make the retail centre less attractive. This would harm and undermine the proper functioning of the Collier Row retail core. No compelling evidence was provided that demonstrated that the site had been marketed whilst vacant which would have supported a departure from the policy. Click here to see the appeal decision notice</p>
<p>P0715.12 11 Cranham Gardens Upminster <i>Change of use of outbuilding in rear garden to D1 (childrens day nursery) with associated car parking in the front garden</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The proposed use and its effects would not be confined to the building. The use of the rear garden, parking and parents and children accessing the site would generate levels of noise or disturbance that would be harmful to neighbouring residents. The site would also attract a number of vehicle movements that would materially and adversely affect highway conditions in the street. Click here to see the appeal decision notice</p>
<p>A0032.12 59 High Street Romford <i>Replacement of liquid display internally illuminated LED sign.</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The proposed advertisement would not be visually intrusive nor would it harm the visual amenity of the local area. However, it would be highly noticeable from most approaches to a busy roundabout junction and the changing of static displays would be a potentially dangerous distraction to driver concentration to the detriment of highway safety. Click here to see the appeal decision notice</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<p>P1043.12 6 Moray Way Romford <i>Change of Use from Retail (A1 Class Use) to Take-Away and Restaurant (A3 and A5 Class Use) With Installation of Extraction Flue System</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The proposed take away / restaurant use would be likely to be cause result in noise and disturbance. Given the proximity of the use to the main entrance and living areas of the flat above, the proposal would be detrimental to the living conditions of the occupiers. Click here to see the appeal decision notice</p>
<p>P0397.12 Land at R/O 92 Manser Road Rainham <i>Erection of 2No semi-detached bungalows</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The proposal would have compact and tighter layout than is the norm in the locality. It would be on a more restricted site, with greater site coverage, significantly smaller gardens and would be out of character with development in the surrounding area. Windows serving habitable rooms in the proposed houses would have uninterrupted at close range of neighbouring rear garden resulting in harmful overlooking. Click here to see the appeal decision notice</p>
<p>P0799.12 14 Wednesbury Gardens Romford <i>Outline application for a single two bed dwelling and dropped kerb for existing dwelling</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u> The proposed dwelling was designed to match the appearance of the existing terrace would not look out of place and would not appear cramped on the site. No financial provision via a unilateral undertaking was made to offset the demands which would be made by the proposed development on local infrastructure & services. The proposal conflicts with the requirements of policy DC72. Click here to see the appeal decision notice</p>
<p>P0989.10 Land East of Moor Lane North of Moor Lane Church Cranham Upminster <i>Erection of a continuing care retirement community comprising 36 care bedrooms, 27 close care apartments, 68 assisted living</i></p>	Written Reps	Refuse	Committee	<p><u>Dismissed</u> The NPPF indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt and although a number of exceptions to this position are detailed, the appeal proposal does not fall into any of the listed categories. The proposal would result in a substantial amount of new buildings in an area which is currently free from development. The scale of development would considerably reduce the openness of this area. Moreover, this loss of openness would be added to by the presence of vehicles parked in the 59 uncovered car parking spaces.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<p><i>apartments, communal facilities, car parking, landscaping and infrastructure works.</i> <i>Outline</i></p>				<p>The proposal would not have an unacceptable visual impact on the Moor Lane street scene however its present rural and densely-treed nature would undergo an appreciable change that would have a materially adverse impact on the rural character of this part of the Green Belt.</p> <p>On the issue of need for the development, the Inspector found that nothing in the evidence submitted by the appellant demonstrated an overriding need for a proposal of the type and size proposed through this appeal, within Cranham, although there was a need for additional extra care spaces in the Borough. It was accepted that the economic benefits of the proposed development would clearly be significant and that the environmental benefits offered by the scheme along with the lack alternative site could have moderate weight in favour of the proposal.</p> <p>In summary however these matters did not outweigh the findings in regard to the proposed development constituting inappropriate development in the Green Belt, the considerable harm caused loss of openness of the Green Belt and the significant harm caused to the rural character of this part of the Green Belt</p> <p>Click here to see the appeal decision notice</p>
<p>P0688.12 14 & 16 Roxburgh Avenue Upminster <i>Joint application for proposed single/two storey rear and side extensions</i></p>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u></p> <p>The Inspector found that habitable rooms in a neighbouring dwelling benefit substantially at present from light drawn through the lean-to roof, which would be seriously reduced by the proposal. Therefore, it would be harmful to the living conditions of the occupiers of 18 Roxburgh Avenue by reason of loss of light.</p> <p>Click here to see the appeal decision notice</p>
<p>P1118.12 20 Woodlands Avenue Emerson Park Hornchurch <i>Two storey side and single storey rear extension</i></p>	Written Reps	Refuse	Delegated	<p><u>Allowed with Conditions</u></p> <p>The proposal is located in the Emerson Park Policy Area. The Inspector considered that sufficient space would remain between the appeal property and the neighbouring dwelling at first floor level to ensure that the aims of the Council's Emerson Park SPD as to space between dwellings would not be compromised, and the character and appearance of the street scene would not be harmed.</p> <p>Click here to see the appeal decision notice</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
P0987.12 121 Cranston Park Avenue Upminster <i>Two storey side extension and single storey front and rear extensions</i>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u></p> <p>The proposal failed to comply with any of the relevant requirements of the Council's guidance for extensions and alterations. Moreover, the total mass of the proposed extensions would create the impression of a single block which would harm the character of the street scene.</p> <p>Click here to see the appeal decision notice</p>
P1149.12 163 Main Road Romford <i>Single storey front extension & conversion of garage to habitable room</i>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u></p> <p>The forward projection of the proposal would exceed the criteria set out in the Council's guidance for extensions and alteration and would be visible in public views and forward of both original bays within the pair. It would appear as an incongruous feature. Overall, the scheme would be harmful to the character and appearance of the host dwelling and the Gidea Park Special Character Area.</p> <p>Click here to see the appeal decision notice</p>
P1058.12 24 The Grove Upminster <i>Roof extension and 2 rear dormers</i>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u></p> <p>The alterations would be no higher than the existing house and the roof pitch would not change. However, the side addition would seriously disrupt the balance of the main roof of the pair. Considerable harm would thus be caused to both the form of the host property and the wider townscape.</p> <p>Click here to see the appeal decision notice</p>
P0976.12 24 Greenock Way Romford <i>Two storey side and rear extension, single storey front extension</i>	Written Reps	Approve With Conditions	Committee	<p><u>Allowed with Conditions</u></p> <p>The proposed two-storey extension would be a substantial addition to the property. However it would not appear to be unduly prominent in the street scene as it would be subservient to the existing house and the appeal plot as a whole and its design would be in keeping with that of the existing pair of houses.</p> <p>Click here to see the appeal decision notice</p>
P1117.12 16 Acacia Drive Upminster <i>First floor side extension and alteration and conversion of roof including addition of rear</i>	Written Reps	Refuse	Delegated	<p><u>Dismissed</u></p> <p>The proposed roof would be significantly taller than the existing roof and would have gable ends. This would increase the length of the roofs ridge line and materially add to the bulk of the building. This would erode the gap at roof level between the appeal property and the neighbouring dwellings. Resultantly the dwelling would appear cramped on the site and discordant feature in the street scene and the rear garden.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Inspector's Decision and Comments
<i>dormer and hip to gable roof</i>				Click here to see the appeal decision notice
TOTAL PLANNING =	19			

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

APPEAL DECISIONS - ENFORCEMENT		
Description and Address	Appeal Procedure	Inspector's Decision and Comments
<p>ENF/617/09/HW Tomkyns Manor Tomkyns Lane Upminster Alleged breach of planning permission P0080.07 re: Notice A. Use Notice B.Development</p>	<p>Local Inquiry</p>	<p><u>Dismissed</u></p> <p>The appeals were dismissed and the enforcement notices were upheld.</p> <p>It was considered that the building was not erected in complete accordance with the approved plans, particulars and specifications; not sited in the approved position; its roof height was lower than shown on the approved plans; and the external appearance was different. The building is not used entirely as stables and agricultural storage and has partially been fitted out to provide residential accommodation and occupied as a dwelling. The building as constructed could rely on the 2007 planning permission as it was not implemented and has lapsed.</p> <p>The appellant claimed that the building was substantially completed by 24 August 2008 and was immune from enforcement action. The Council's Building Control section inspected the building works after this date and found two issues that prevented a Completion Certificate being issued under the Building Regulations. Therefore the building would not be structurally sound and thus could not be described as substantially complete. It was noted that Internal works; fixtures and fittings, and external alterations (additional windows, etc.) to provide that accommodation were carried out between October 2008 and December 2009. Having regard to all the evidence presented and relevant case law, the Inspector found that the building was not substantially completed on the relevant date</p> <p>On the issue of the access, the appellant also claimed that this was immune from enforcement action. The Inspector agreed with the Council in that the access was not a stand-alone piece of operational development. It was part and parcel of the unauthorised erection of the building. It was required for no purpose other than to provide access to that building. Without it the building could not have been constructed and the erection of the building and its access constituted a single action which was not substantially completed on the relevant date.</p> <p>On the planning merits of the building, at the time that the enforcement notice was served the layout enabled use as stables and use as living accommodation. This is a use that is 'inappropriate' in the Green Belt. Moreover the appeal building is a bulky and intrusive structure which detracts from its openness and amounts to significant and harmful encroachment on the countryside.</p> <p>Click here to see the appeal decision notice</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

ENF/617/09/HW Tomkyns Manor Tomkyns Lane Upminster Alleged breach of planning permission P0080.07 re: Notice A. Use Notice B.Development	Local Inquiry	<u>Dismissed</u> As Above Click here to see the appeal decision notice
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TOTAL ENF =

2

LIST OF APPEAL DECISIONS MADE BETWEEN 09-FEB-13 AND 31-MAY-13

Summary Info:

Total Planning =

Total Enf =

Appeals Decided =

Appeals Withdrawn or Invalid =

Total =

	Dismissed		Allowed	
Hearings	<input type="text" value="0"/>	0.00%	<input type="text" value="0"/>	0.00%
Inquiries	<input type="text" value="2"/>	9.52%	<input type="text" value="0"/>	0.00%
Written Reps	<input type="text" value="16"/>	76.19%	<input type="text" value="3"/>	14.29%

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REGULATORY SERVICES COMMITTEE

REPORT

20 June 2013

Subject Heading:

Schedule of Enforcement Notice

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 7 March 2013

RECOMMENDATIONS

For consideration.

REPORT DETAIL

Schedule A shows current notices with the Secretary of State for the Environment awaiting appeal determination.

Schedule B shows current notices outstanding, awaiting service, compliance, etc.

An appeal can be lodged, usually within 28 days of service, on a number of grounds, and are shown abbreviated in the schedule.

The grounds are:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred (as a matter of fact);
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the enforcement notice were not served as required by Section 172;
- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

BACKGROUND PAPERS

Schedule A & B.

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SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Benskins Lane east of Church Road Harold Wood Romford ENF/91/12/GS	Alleged unauthorised hardstanding	Delegated	14-05-12	14-06-12
72 Crow Lane Romford ENF/77/12/BL	Alleged unauthorised use of outbuilding as residential accommodation	Committee 19-07-12	18-08-12	19-09-12
Ashlea View Tomykns Lane Upminster ENF/363/10/HW	Alleged unauthorised gates and fence constructed with Green Belt	Committee 19-07-12	28-08-12	01-10-12
Suttons Farm Tomykns Lane Upminster ENF/110/09/HW	Unauthorised boundary treatment & engineering works	Committee 06-12-12	19-03-13	23-04-13

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SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Farm) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	Temporary planning permission granted until 30-04-2013. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Arnolds Field, Launders Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Conditional discharge 2 years. Costs £350.00 . Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed	No action at present time Notice remains on land
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed Enforcement Notice varied 2. Use. Appeal Dismissed Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed	Pursuing compliance
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Pursuing compliance
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08 24-04-09	23.12.08 24-04-09	02-02-09 26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance/prosecution
5 Nags Head Lane Bentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
Chanlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed	Temporary planning permission expires 25-11-13
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
111 Albany Road Hornchurch	Use	Committee 19-11-09	22-12-0-	22-12-09	03-12-10	Appeal dismissed	Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
29 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Pursuing compliance
End off Church Road Oak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
39 Benets Road Hornchurch	Use	Committee 26-08-10	29-11-10	29-11-10	09-12-10	Appeal dismissed	Notice complied with
83A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Appeal Withdrawn	Monitoring
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Pursuing compliance
Small Acres Folkes Lane Upminster	Use/Development	Committee 19-05-11	25-07-11	27-07-11			Notice complied with
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Pursuing compliance
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Appeal Dismissed	Pursuing compliance/prosecution
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12	Appeal Dismissed	Pursuing compliance
The Squirrels Public House 420 Brentwood Road Romford	Use	Delegated	09-05-12	09-05-12	08-06-12	Appeal Dismissed	Notice complied with
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12		See Schedule A
Chequers Public House North Street Hornchurch	Use	Delegated	04-07-12	05-07-12	02-08-12	Appeal Dismissed	Notice complied with
186A Main Road Romford	Development	Committee 17-05-12	30-07-12	01-08-12			Notice complied with

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Gobions Farm Collier Row Road Romford	Use	Committee 17-05-12	28-06-12-	02-07-12			Notice complied with
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12		See Schedule A
Ashlea View Tomkyns Lane Upminster	Use	Committee 19-07-12	28-08-12-	28-08-12	28-09-12		See Schedule A
624 Upper Brentwood Road Romford	Development	Committee 19-07-12	08-08-12	08-08-12			Notice complied with
29 Main Road Romford	Use	Delegated	26-07-12	26-07-12			Pursuing compliance
Tomykns Manor Tomkyns Lane Upminster	Development 2 Notices	Committee 07-06-12	24-08-12	24-08-12	27-09-12	Appeal Dismissed	Pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
2-8 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Bush Farm Aveley Road Upminster	Development X 2 1 Enforcement Notice 1 Stop Notice	Delegated	20-09-12	20-09-12	18-10-12	Appeal withdrawn	Pursuing Compliance
Suttons Farm Tomkyns Lane Upminster	Development /Use	Committee 06-12-12	20-03-13	21-03-13	23-04-13		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13			Pursuing Compliance

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REGULATORY SERVICES COMMITTEE

REPORT

20 June 2013

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

This report updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured
- 4 There has been two prosecutions this quarter, see Appendix 1

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions.

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

Appendix 1.

Address	Summary of Breach	Legal Action	Outcome
5 Writtle Walk Hornchurch	Change of Use from A1 (Retail) to A3 (take-away)	21 February 2013 Haverling Magistrates Court.	Found Guilty Mr Chaudhry Fined £12,500 Interface properties fined £2,500. Cost awarded to LBH £9,845
Grove Farm Brook Street Brentwood	Display of advertisements without prior consent	12 April 2013 Haverling Magistrates Court	Found Guilty Fined 2,500 Victim penalty £15. Cost awarded to LBH

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Regulatory Services Committee

20th June 2013

Page No.	Application No.	Ward	Address
1-11	P0400.13	Cranham	24 Severn Drive, Upminster

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REGULATORY SERVICES COMMITTEE

20th June 2013

APPLICATION NO:	P0400.13	
WARD :	Cranham	Date Received: 28th March 2013 Expiry Date: 23rd May 2013
ADDRESS:	24 Severn Drive Upminster	
PROPOSAL:	Side and rear single storey extension ,garage conversion ,external works including 2 No. dropped kerb width increases. Change of use Revised plan received	
DRAWING NO(S):	8954 01 8954 03 Revision E	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Ford requested this application be called in to committee unless it was refused under delegated powers, on the grounds of existing traffic problems due to school activity, the estate was designated as residential, increased noise activity and drainage concerns.

SITE DESCRIPTION

The application site is a detached dwelling located on the junction of Severn Drive and Clyde Crescent. Engayne Primary School is located opposite the site. There is a driveway leading to a block of garages to the rear of the site. The surrounding area is characterised by two storey detached, semi-detached and terraced properties. There is a low brick wall on the western boundary of the site. There is a low brick wall and timber paling fence with trellis above on the southern boundary of the site. There is a timber paling fence with trellis above on the northern and eastern boundaries of the site.

DESCRIPTION OF PROPOSAL

Permission is sought for side and rear single storey extensions, a canopy, a garage conversion, external works including 2 No. dropped kerb width increases and a change of use from a dwelling (C3) to a day care nursery (D1) entitled Little Explorers Day Care Nursery.

On the southern side of the property, level with the main front wall, an extension is proposed which will be 4m wide and will project 3.7m beyond the rear wall of the property to adjoin a single storey rear extension. Setback 6m from the main front wall on the northern side of the property, a 1m wide extension is proposed which will project to adjoin the single storey rear extension. A 3.7m high gabled end roof will be provided on the northern side with a hipped roof to the same height (2.4m high to eaves) provided to the rest.

The proposed nursery would operate within three age ranges (under 2's, 2 to 3 and 3 to 5) and occupy 5 separate nursery classrooms together with an office, reception, kitchen and laundry facilities.

There would be a maximum of 52 children in total. The age of the children would be from 0-5

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years. The opening hours are proposed to be from 07:30 to 19:30 Monday to Friday. There would be six full time members of staff and six to seven part time members of staff. There would be an outdoor play area to the rear of the site. A maximum number of 16 children will only be allowed access to the garden between the hours of 9.15am and 4.30pm Monday to Friday. The canopy in the rear garden consists of a shade sails fixed to the building and posts.

RELEVANT HISTORY

P1533.12 - Single storey side and rear extension - Approved.

P0199.11 - Single storey side extension - Approved.

P0647.10 - Subdivision of single dwelling into 2 No. 3 bedroom houses and single storey rear extension. Front bay extension with canopy - Approved.

P1845.08 - Two storey side/rear and single storey rear extension and sub-division of single dwelling into 2 no. four bedroom houses - Refused. Appeal dismissed.

P1163.02 - Single storey rear extension - Approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 22 properties. 21 letters of objection were received with detailed comments that have been summarised as follows:

- Proximity of the site to Engayne primary and junior schools and Cranham Baptist Church.
- Traffic and congestion.
- Queried as to whether the proposed opening hours would clash with the school.
- Parking.
- Highway safety.
- There are two nurseries in close proximity to the site and queried the need for a third nursery.
- Concerns regarding the extent of the consultation of neighbouring properties.
- Noise from traffic and children in the garden.
- Impact on neighbouring amenity including noise and disturbance.
- This residential area is not an appropriate location for a day care nursery.
- Concerns regarding the enforcement of planning conditions if minded to grant planning permission.
- Reference was made to legal covenant restrictions.
- The use of a business premises within a residential area.
- Loss of a residential dwelling given the current housing shortage.
- It was alleged that acoustic fencing was not shown on the plans.
- Concerns regarding the day nursery being operated over 6 or 7 days.
- Pollution.
- Drainage.
- Work has commenced on the extensions prior to this application being determined.
- Concerns that the nursery will use Kennet Close Green for activities, which may result in litter and noise.
- Lack of security and site safety during the construction of the extensions.

In response to the above comments, details of the acoustic fencing are shown on Drawing No. 8954 03 Revision B. Comments regarding drainage are not material planning considerations. The Council has a statutory obligation to consult neighbouring properties that adjoin the common boundary of the application site, although the Council uses its discretion to undertake a wider

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Comments regarding legal covenants are not material planning considerations. The single storey side and rear extension was approved under a Householder planning application, P1533.12 on 25th February 2013 and it was necessary to apply for full planning permission due to the inclusion of the change of use and the fact that works had not been completed prior to the submission of the application. Comments regarding the commencement of the works for the extensions are not material planning considerations. The remaining issues will be addressed in the following sections of this report.

London Fire and Emergency Planning Authority is satisfied with the proposals.

Environmental Health - Recommend a contamination informative if minded to grant planning permission.

RELEVANT POLICIES

Policies CP8 (Community needs), CP17 (Design), DC1 (Loss of housing), DC26 (Location of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 Noise), DC61 (Urban Design) and DC62 (Access), of the Local Development Framework.

Policies 3.18 (Education facilities), 7.13 (Safety, security and resilience to emergency), 7.4 (Local character) and 7.6 (Architecture) of the London Plan 2011.

Chapters 4 - Promoting sustainable transport and 8 - Promoting healthy communities of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

Not CIL liable.

STAFF COMMENTS

The main issues in this case are the principle of the change of use, the impact on the streetscene, the amenity of neighbouring occupiers and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

Policy DC1 states that planning permission resulting in the net loss of housing will only be granted in exceptional circumstances where it involves the provision of community facilities, or is necessary to meet the specific needs of the community or necessary to deliver a mixed and balanced community. The development would need to satisfy aspects of DPD policies DC26 and DC61, which provide, in combination, that new development, including the provision of community facilities, should not have a significant adverse effect on residential character and amenity. This will be assessed in the following sections of this report.

Nurseries are accepted as being 'community facilities', where there is a requirement for places within the borough. Childcare Services has investigated childcare sufficiency in the locality of the proposed new setting and has identified four pre-schools/day nurseries within one mile of Engayne Primary School. Two of which offer day care provision on mornings only and two operate between 8.35am and 15.25pm Monday to Friday. Childcare Services support the full day care facility, as the four pre-schools/day nurseries specialise in sessions of care. The opening hours of the proposed nursery will support parents. The government is paying for 2 year olds to access 15 hours of early years education, which will contribute to the need for additional childcare places. There is also an increase in live birth data.

As a London Borough, Havering is duty-bound to deliver Section 13 of the Childcare Act 2006

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and the Childcare Sufficiency Assessment (CSA) highlights areas of need within the Borough. The CSA 2011 supports the evidence that there is a fundamental shortage of childcare provision in Cranham. There is, therefore, a real need to increase the number of childcare places within this area.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Planning permission was granted for a single storey side and rear extension under application P1533.12 on 25th February 2013. The dimensions and design of the proposed extensions remain the same as that previously approved and therefore, are deemed to be acceptable and would not adversely affect the streetscene.

It is considered that the parking spaces on the site would not be visually intrusive, as the front gardens of some neighbouring properties in the vicinity already comprise of hard surfacing. In addition, details of the hard and soft landscaping can be secured by condition if minded to grant planning permission.

From a design point of view, no objection is raised to the conversion of the garage. A pair of entrance doors and a window will be provided in the front elevation and matching brickwork will be provided. It is considered the garage conversion will integrate satisfactorily with the character of the property and the streetscene.

It is considered that the external works including increasing the width of two dropped kerbs and the canopy in the rear garden would be acceptable and would not adversely affect the

IMPACT ON AMENITY

The dimensions and design of the proposed extensions remain the same as that previously approved under application P1553.12 and therefore, are deemed to be acceptable and would not adversely affect the amenity of neighbouring occupiers.

The total number of children that would be on the site would be 52. There would be six full time members of staff and six to seven part time members of staff. It is considered that the proposed nursery (D1) use would result in some loss of amenity to neighbouring properties, although on balance, this is deemed to be within acceptable limits. One mitigating factor is that the building is detached. Environmental Health have been consulted and have indicated that it is not necessary to insulate the building in respect of noise.

It is proposed to retain a number of the existing trees in the rear garden. There would be a 2m high acoustic fence inside the existing fence partially along the northern and eastern boundaries of the site and boundary vegetation, which would help to buffer any noise from outdoor play and learning and these can be secured by condition if minded to grant planning permission. The supporting information details that the surface materials of the garden area will include the latest technology to absorb noise. Also, any larger play apparatus and any potentially noisier activities are located towards the southern boundary, which borders Clyde Crescent, to increase its separation distance from residential neighbours.

The opening hours are proposed to be from 07:30 to 19:30 Monday to Friday. It is considered that the opening hours are acceptable, as they comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition. In addition, there would be a maximum of 16 children accessing the garden at any given time, between the hours of 9.15am and 4.30pm Monday to Friday and this can also be secured by condition.

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Consideration has been given as to whether the proposed use would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. It is considered that the proposed use would result in some loss of amenity to neighbouring properties, although on balance, this is deemed to be within acceptable limits. When reviewing the merits of this application, weight was attached to the benefit of linked trips, whereby parents could drop off their children to Engayne Primary School and the proposed nursery at the same time. In addition, the operating hours for the nursery are from 7.30am to 7.30pm Monday to Friday, which would help to stagger the pick up and dropping off times.

HIGHWAY/PARKING

The off street parking requirement for a Day nursery/creche is 1 space for each equivalent full time member of staff. There would be six full time members of staff and six to seven part time members of staff. The average and minimum requirement for the site at full occupation is twelve members of staff.

The total number of spaces required is 14, which includes two spaces for a drop off area. A transport statement and travel plan was submitted with this planning application. Car parking and drop-off is provided at the front of the site. The hardstanding area is proposed to be extended. Following negotiations with the agent, two additional car parking spaces have been provided to the rear of the site, which brings the total to 14 off street parking spaces including two spaces for drop offs and pick ups. Of these fourteen spaces, there would be ten off street parking spaces in the front and rear garden of the site (with one disabled space), which includes two for dropping off and picking up. In addition, there are two garages and two parking spaces in front of the garages, accessed via the driveway in Clyde Crescent to the rear of the site. Two of these four parking spaces are reserved for the Manager and her assistant. Therefore, the proposal meets the Council's maximum parking standard.

Areas to the side of the building will consist of hardstanding for buggy parking and cycle storage. The supporting statement refers to a local recruitment drive to encourage applications from the local population to minimise staff travelling. In addition, there would be the benefit of linked trips, whereby parents could drop off their children to Engayne Primary School and the proposed nursery at the same time. In addition, the operating hours for the nursery are from 7.30am to 7.30pm Monday to Friday, which would help to stagger the pick up and dropping off times.

The Highway Authority has no objection to the proposal and is satisfied with the number of parking spaces for a day care nursery in this location. Balanced against that is a recognition that the proposal comprises a 52 place nursery which would be located opposite a primary school with known difficulties during picking up and dropping off times. To ensure that Staff are encouraged to use alternative methods of travel to the site, a condition can be placed to ensure that the submitted travel plan is implemented.

Overall, on balance, it is considered that there are sufficient grounds to recommend approval for this application, given that there is sufficient car parking provision, staggered operating times and a travel plan.

KEY ISSUES/CONCLUSIONS

Staff consider that the principle of the change of use from a dwelling to a day care nursery is acceptable in this instance, as it involves the provision of a community facility, which would help to contribute to the number of childcare places in Cranham.

The dimensions and design of the proposed extensions remain the same as that previously

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approved and therefore, are deemed to be acceptable and would not adversely affect the streetscene or the amenity of neighbouring properties.

It is considered that the external works including increasing the width of two dropped kerbs, the garage conversion and the canopy in the rear garden would be acceptable and would not adversely affect the streetscene or the amenity of neighbouring occupiers.

When considering the merits of this application, significant weight was attached to the notable demand for nursery facilities and the benefits of these facilities to the wider Cranham community. Staff consider that the proposed use would result in some loss of amenity to neighbouring properties, although on balance, this is deemed to be within acceptable limits and would be mitigated by the staggered operating hours, the benefit of linked trips between Engayne Primary School and the nursery and the detached nature of the application site. Conditions can be placed regarding the provision of acoustic fencing, landscaping, parking provision, maximum numbers of children and the use of the rear garden if minded to grant planning permission. Staff consider that the conditions will help to minimise any noise and disturbance to neighbouring properties. It is acknowledged that Members may place different weight on these issues and as such, are invited to apply their judgement.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. S 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.

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

REGULATORY SERVICES COMMITTEE

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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.

5. SC59 (Cycle Storage)

Prior to the first occupation of the building, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

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

6. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 and 19:30 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

7. S SC19 (Restricted use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be used for a day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

8. S SC28 (Number of children)

The number of children accommodated within the premises hereby approved shall not

REGULATORY SERVICES COMMITTEE

20th June 2013

9. SC06 (Parking provision)

Prior to the first occupation of the building, provision shall be made within the site for 14 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed by the Local Planning Authority.

Reason:-

To ensure that adequate off street car parking provision is made in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

10. SC14A (Visibility splay)

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

Reason:-

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

11. Non Standard Condition 31

Before the building hereby permitted is first occupied, the acoustic fencing shall be erected on the northern and eastern boundaries of the application site, in accordance with drawing No. 8954 03 Revision D and retained permanently.

Reasons:- In the interests of amenity and to ensure that the proposal complies with Policy DC61 of the Core Strategy and Development Control Policies DPD.

12. Non Standard Condition 32

Prior to the first occupation of the building, a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority, 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

13. Non Standard Condition 33

The rear garden shall only be used between the hours of 09:15 and 16:30 Monday to Friday and the maximum number of children using the rear garden for outdoor play

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14. SC13 (Screen fencing) ENTER DETAILS

Before the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 1.8 metres high shall be erected on the eastern and southern boundaries of the site in accordance with Drawing No. 8954 03 Revision D and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. 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.

Reason:-

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

16. Non Standard Condition 35

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.

17. Non Standard Condition 36

The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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.

18. Non Standard Condition 37

Prior to the first occupation of the building, a Travel Plan for the day care nursery shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

Reason:-

In the interests of promoting sustainable travel patterns, and in accordance with Policy

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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 CP8, CP17, DC1, DC26, DC33, DC34, DC35, DC55, DC61 and DC62 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.

3 Highways Informatives

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

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.

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

Any statutory undertakers equipment/street furniture requiring diversion/relocation due to this construction shall be diverted at the developers cost.

4 Non Standard Informative 1

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely

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without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Development Control Policies Development Plan Document Policy DC53.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

20 June 2013

Subject Heading:

P0365.13: Briar Site 6A_2 - Open Space adjacent to 8-26 Coltsfoot Path & 40-98 Barberry Close, Romford

Erection of two/three storey building providing a terrace of nine houses (2 x 2 bed, 4 x 3 bed and 3 x 4 bed) (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 £18,540.00. This is based on the creation of 927m² 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 £54,000 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 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 comprises an area of open space and footpaths, which currently form part of Coltsfoot Path. The site has an area of 0.23 hectares. Ground levels fall from south to the north.
- 1.2 There are two storey residential properties to the north, east and south-east boundaries of the site. There are three storey flats to the west and to the south-west of the application site.

2. Description of Proposal

- 2.1 The application is linked to another application, reference P0364.13 (reported separately on this agenda), which will involve the extension of the existing Coltsfoot Path highway, which currently ends at the eastern end of the site. The extended highway will enable vehicular access into the site. This application proposes the construction of a terrace of nine dwellings,

aligned in a north/south direction and fronting the eastern boundary of the site. The houses would be a mix of 2, 3 and 4 bedrooms.

- 2.2 The proposed terrace has an overall length of 61.5m. The depth of the block is staggered and is 10.2m deep at each end of the terrace, reducing to 6.5m deep through the central section. The houses would face east with rear gardens located to the west side of the dwellings. The dwellings are of a traditional design and materials and are two/three storeys high, measuring 9m high to ridge at the southern end, reducing to 8m high within the centre of the terrace and rising to 11.7m high at the northern end of the terrace, which is the three storey section.
- 2.3 The remainder of the site would comprises turning areas and soft landscaping. The application indicates that new car parking would be created under a separate planning application (P0364.13) and within this parking area 16 parking spaces would be allocated for use by residents of the new development.

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 62 local addresses. Four letters of representation, and a petition containing 23 signatories, have been received, objecting on the following grounds:

- loss of parking facilities
- overdevelopment of the area
- noise and dust levels
- loss of environmental amenities
- loss of open space and children's play areas
- disruption during buildings
- loss of light
- overlooking and loss of privacy
- will the new dwellings be available to local residents
- regeneration was meant to make the area better; this will create more anti-social behaviour by cramming people in
- site is too small and cramped
- devaluation of property

- 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 24th, 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 have raised no objection in respect of water supplies. At the time of writing this report discussions in respect of fire fighting access are still ongoing and Members will be advised of the position at the committee meeting.
- 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 new dwellings would sit on land that currently comprises open space. The loss of the open space is considered to be acceptable in principle as the development forms part of the Briar Development Brief and Improvement Proposals which, in mitigation for the loss of some areas of open space, provides for environmental improvements across the estate as a whole. The area of open space to be lost is set back from the highway and enclosed on all sides by residential development. It is not therefore considered that building on this site would harm the intrinsic character of the Briar Road Estate as a whole.

6.4.2 The proposed development would create a terrace of new development, which is typical of the layout of existing development within this part of the estate. The development enables space to be maintained between all elevations of the proposed development and the boundaries of the application site, such that the character, layout and spacing of the new development is not judged to be significantly different to the existing characteristics of the estate. The proposal is therefore considered to acceptably integrate with the existing pattern of development locally. No material harm to local character or amenity is considered to result. The proposed houses are a combination of two and three storey development, as are others in the locality. The scale of development is therefore considered to be compatible with that of neighbouring development.

6.4.3 Each dwelling is provided with private, rear amenity space, which ranges between 55 square metres for two of the 2 bed units up to around 108 square metres for the 3 bed houses. The 4 bed units have garden areas of

around 66 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 removal of existing footpaths and areas of verge will also involve the loss of some trees within the site. However, their loss is considered to be acceptable in principle and the proposal will offer the opportunity for new tree planting and landscaping within the site, such that the overall impact on local character and amenity is considered to be acceptable.
- 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 The proposed dwellings will back on to the three storey flats located to the western side of the application site. There will be a back to back distance of 16m between the respective properties and the flats will back on to the rear gardens of the new dwellings at a distance of 5m. This relationship is considered to be acceptable and to provide an acceptable degree of amenity for both existing and future residents of the estate.
- 6.5.2 To the east, the proposed dwellings will face towards the rear garden of dwellings at 8-26 Coltsfoot Path. The front elevation of the proposed houses is separated from the rear fence line of the houses to the east by a distance of 8.5m minimum. The back to front relationship between the respective elevations is around 17.5m minimum. It is considered that this relationship is sufficient to maintain acceptable levels of residential amenity.
- 6.5.3 The rear windows of the existing dwellings at 39-43 Barberry Close will look towards the north facing flank elevation of the proposed terrace at a distance of around 14m, which maintains an acceptable degree of residential amenity. Existing flats to the south are side on to the site and there is a flank to flank distance of more than 15m. These distances are sufficient to ensure a suitable degree of privacy and amenity for occupiers of both existing and proposed dwellings.

6.6 Parking and Highway Issues

- 6.6.1 There is no parking provision made through this planning application. However, the site is adjacent to land which is the subject of a separate planning application, P0364.13 (reported separately on this agenda). The

separate application will create 23 new parking spaces and it is indicated that 16 of these new spaces will be made available for use of the occupiers of the proposed development. This is a ratio of 2 spaces for the three and four bed units and one space for the two bed units but overall would comply with the LDF parking requirement of 1.5-2 spaces per dwelling. Furthermore, whilst this application is acceptable on its own merits, it also 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. At the time of writing this report discussions with the Fire Brigade regarding the accessibility of the site are ongoing. Members will be updated on this issue at the committee meeting.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £54,000 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 Other issues raised in representations include disruption during construction, devaluation of property and who the new units will be allocated to, which are not a material planning considerations. Noise and dust from the proposed dwellings is not considered to be sufficient grounds to refuse permission. Issues relating to anti-social behaviour on the estate are noted but the proposal should be considered in the context of the wider strategy for the Briar Road estate, one of the key aims of which is to reduce anti-social problems.

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 927 square metres, which equates to a Mayoral CIL payment of £18,540 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.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

20 June 2013

Subject Heading:

P0364.13: Briar Site 6A_1 - Open Space and footways adjacent 43 Barberry Close, 1-12 Betony Road, 20-26 Lavender Close & 8, 71, 73, 75 Coltsfoot Path, Romford

Erection of two storey building providing a terrace of five houses (5 x 2 bed); creation of parking and turning areas (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 £8,480.00. This is based on the creation of 424m² 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 £30,000 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 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 comprises an area of open space and footpaths, which currently form part of Coltsfoot Path. The site has an area of 0.36 hectares. Ground levels fall gently from west to east.
- 1.2 There are two storey residential properties to all boundaries of the application site.

2. Description of Proposal

- 2.1 The application will involve the extension of the existing Coltsfoot Path highway, which currently ends at the eastern end of the site. The extended highway will enable vehicular access into the site. It is proposed to construct a terrace of five dwellings, adjacent to the flank wall of no. 43

Barberry Close, which would sit in a central part of the site extending in a west to east direction. Each of the houses would have 2 bedrooms.

- 2.2 The proposed terrace has an overall length of 26.5m and a depth of 9.7m. The houses would face north with rear gardens located to the south side of the dwellings. The dwellings are of a traditional design and materials and are two storeys high, measuring 9m high to ridge.
- 2.3 The remainder of the site would comprise turning areas and soft landscaping. The application indicates that further parking could potentially be provided on land south-west of the application site but this does not form part of this application.

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 49 local addresses. Two letters of representation have been received, objecting on the following grounds:
- loss of greenery and original design of open spaces
 - losing space for children to play on
 - overlooking and loss of privacy
- 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 24th, 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 have raised no objection in respect of water supplies. At the time of writing this report discussions in respect of fire fighting access are still ongoing and Members will be advised of the position at the committee meeting.
- 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 new dwellings would sit on land that currently comprises open space. The loss of the open space is considered to be acceptable in principle as the development forms part of the Briar Development Brief and Improvement Proposals which, in mitigation for the loss of some areas of open space, provides for environmental improvements across the estate as a whole. The area of open space to be lost is set back from the highway and enclosed on all sides by residential development. It is not therefore considered that building on this site would harm the intrinsic character of the Briar Road Estate as a whole.

6.4.2 The proposed development would effectively continue the existing terrace of houses at 39-43 Barberry Close in an easterly direction and it is considered that this would acceptably integrate with the existing pattern of development locally. No material harm to local character or amenity is considered to result. The proposed houses are two storey, as are others in the locality. The proposed dwellings will however be taller than neighbouring development, primarily owing to the differing roof pitches. The proposed dwellings are not taller than neighbouring houses to the extent that they appear materially out of character, particularly as there are a number of different development types and styles existing in the locality. The eaves line of the proposed dwellings is also generally consistent with that of neighbouring property, which provides a degree of continuity with adjoining development.

6.4.3 Each dwelling is provided with private, rear amenity space, which is in the region of 43.5 square metres per 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 removal of existing footpaths and areas of verge will also involve the loss of some trees within the site. However, their loss is considered to be acceptable in principle and the proposal will offer the opportunity for new tree planting and landscaping within the site, such that the overall impact on local character and amenity is considered to be acceptable.

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 The terrace of proposed houses will lie adjacent to the flank wall of the nearest dwelling to the west of the site, no.43 Barberry Close. The front and rear building lines of the proposed terrace are similar to that of the neighbouring houses and are not judged to result in a material loss of amenity to occupiers of this property.

6.5.2 To the north, the proposed dwellings will face towards the rear garden of dwellings at 8-12 Betony Road. The front elevation of the proposed houses is separated from the rear fence line of the houses to the north by a distance of around 14m. The back to front relationship between the respective elevations is around 22.5m. It is considered that this relationship is sufficient to maintain acceptable levels of residential amenity.

6.5.3 The rear windows of the proposed dwellings will look towards the flank elevation of the dwelling to the south (8 Coltsfoot Path) at a distance of around 33m, which maintains an acceptable degree of residential amenity. Existing dwellings to the east back on to the site at a distance of 8m from back fence to the flank of the nearest house and 16m from the existing rear elevation to the proposed flank of the nearest house. These distances are sufficient to ensure a suitable degree of privacy and amenity for occupiers of both existing and proposed dwellings.

6.6 Parking and Highway Issues

6.6.1 By opening up the existing network of footpaths and grass verges to create vehicular access, the proposed development will enable an increase in parking provision. There will be 23 parking spaces within the site, of which 5 will be allocated for use by the new dwellings. The parking provision for the new dwellings is slightly below the LDF parking requirement of 1.5-2 spaces per dwelling but considered to be sufficient for 2 bedroom houses, particularly in the context of the wider improvement proposals for the estate. The development will have a further 18 parking spaces. However, these will largely be allocated for use of other new dwellings which are subject of a separate application on land slightly to the west of this site (reference Briar site 6A_2 – planning application P0365.13, reported separately on this agenda). Whilst this application is acceptable on its own merits, it also 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. At the time of writing this report discussions with the Fire Brigade regarding the accessibility of the site are ongoing. Members will be updated on this issue at the committee meeting.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £30,000 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 424 square metres, which equates to a Mayoral CIL payment of £8,480 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

20 June 2013

Subject Heading:

P0389.13: Briar Site 9L- Open space adjacent to 28 Coltsfoot Path, Romford

Erection of two storey detached house (1 x 3 bed) (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 £1,920.00. This is based on the creation of 96m² 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 £6,000 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 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 west side of Coltsfoot Path, immediately north of the dwelling no. 28 Coltsfoot Path. The site is presently an area of grass verge, which adjoins a footpath.
- 1.2 The application site directly adjoins the boundary of the dwelling to the south, no.28 Coltsfoot Path, which is a two storey, end of terrace dwelling. To the north of the site there is a footway, beyond which is a further area of grass verge and the flank wall of the end of terrace dwelling no.26 Coltsfoot Path. To the east of the site lies the side boundary of a residential dwelling at no.79 Coltsfoot Path. West of the site is a three storey flatted block and associated amenity space.

2. Description of Proposal

- 2.1 The proposal is for the construction of a single, detached three bedroom dwellinghouse sited adjacent to the flank wall of no.28 Coltsfoot Path. The dwelling has a width of 6m and a depth of 10.2m and is set 900mm from the flank wall of the neighbouring dwelling. The dwelling is a two storey

building, with a gable ended roof, which rises to a maximum ridge height of 9.1m above ground level. The dwelling will have a private rear amenity area.

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 55 local addresses. Two letters of representation were received (both from the same property) objecting to the proposal on the following grounds:

- additional noise and disturbance
- disruption during building works
- will be losing garage to make way for new housing
- proposals are unfair and stressful to existing residents
- garden will be overlooked

- 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 24th, 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 will involve the loss of an existing area of grassed verge. The location of the verge, adjacent to a terrace of houses and set away from vehicular highway, does not significantly contribute to the wider character and appearance of the estate as a whole. Development on this verge is not therefore considered to be detrimental to local character and amenity,
- 6.4.2 The proposed dwelling would front on to Coltsfoot Path, as do the neighbouring houses in the adjacent terrace. The building would largely follow the existing building line set by the adjacent terrace, although it would be slightly forward of the front elevation. This is not to an extent that would appear materially out of keeping in the streetscene.
- 6.4.3 The dwelling is provided with private, rear amenity space, which is some 8.5m deep and has an area of around 60 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 dwelling is two storeys high but will appear taller than the adjacent terrace owing to the differing roof forms between the respective properties. The existing adjacent terrace has an unusual stepped roof form that it would not be expected to replicate in the new dwellings, which have been designed with a traditional pitched roof form. The eaves height of the new dwelling is consistent with that of the adjacent terrace and this will create a degree of visual continuity between the respective dwellings. The proposed 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 The proposed dwelling sits adjacent to the flank wall of no.28 Coltsfoot Path, which has no flank windows. The position of the proposed dwelling and the relatively consistent front and rear building lines of the existing and proposed property are such that no material harm to amenity will result. Issues relating to future noise are made in representations but given the development is for a single family dwelling this is not considered to result in material harm sufficient to justify refusal. Overlooking of the neighbouring property would be no greater than can already occur from the other existing neighbouring properties.

6.5.2 The proposed new dwellings are set over 7m from the flank wall of the nearest dwelling to the north and would not materially impact on the amenity of this property. To the east, the proposed dwelling would face towards the rear garden of no.79 Coltsfoot Path, at a distance of 7.2m from the neighbouring side boundary. The property is designed so that the first floor rear bathroom faces directly towards the neighbouring rear garden, with the bedroom window facing more towards the flank wall of no.79. It is considered this arrangement would be sufficient to maintain an acceptable degree of amenity for occupiers of this property.

6.5.3 To the west the nearest properties are three storey flats that are some 30m back to flank from the proposed dwellings. This distance is sufficient to ensure that no material harm to the amenity of existing or future occupiers will result.

6.6 Parking and Highway Issues

6.6.1 The proposed development does not provide any on site parking, nor is it possible to do so as Coltsfoot Path is not directly accessible by road, only by pedestrian footpaths. In this context, it is not considered that the lack of dedicated on site parking for the proposed dwellings is unacceptable. The application indicates that there will however be allocated parking of two spaces for the new house on land located to the north-east of the site. This will be provided as part of the wider parking strategy for the estate and could not be specifically secured through this application. The proposal does not result in the loss of any existing parking from the site. 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 £6,000 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 96 square metres, which equates to a Mayoral CIL payment of £1,920 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

20 June 2013

Subject Heading:

P0381.13: Briar Site 10M- Parking Court and Open Space between 48 & 50-68 Charlbury Crescent, Romford

Erection of two storey building providing a terrace of six houses (2 x 2 bed and 4 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 £11,200.00. This is based on the creation of 560m² 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 £36,000 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 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 south side of Charlbury Crescent. It comprises an area of land currently used for parking, situated between 48 Charlbury Crescent and the flatted terrace at 50-68 Charlbury Crescent, and an area of open space to the south of the parking court. The site has an area of 0.14 hectares. Ground levels fall gently towards the south and also from west to east.
- 1.2 There are two storey residential properties to all boundaries of the application site.

2. Description of Proposal

- 2.1 The application will involve alterations to the existing parking area, which will include the removal of existing areas of verge at the site frontage and the extension of parking facilities. Across the southern end of the site, which is

currently an area of open space, it is proposed to construct a terrace of six dwellings, 3 no. two bed and 3 no. three bed.

- 2.2 The proposed terrace has an overall length of 44m and has a varied depth, with the two bed units at the eastern end of the site being 10.2m deep and the three bed units at the western end of the site being 6.5m deep. The dwellings are of a traditional design and materials and are two storeys high, measuring 9.1m high and 8.1m high to ridge for the two and three bed units respectively. Each dwelling will have private rear amenity space.
- 2.3 The site provides a total of 23 surface parking spaces, of which 10 will be allocated for use by occupiers of the proposed development.

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 44 local addresses. Six letters of representation (including two from the same address) have been received, objecting on the following grounds:

- will be higher than neighbouring buildings
- loss of light and privacy
- increased traffic and impact on highway safety
- lack of parking
- additional noise disturbance
- area will be made unsafe
- loss of amenity area
- harm to local character
- pollution
- will cause more criminal damage

- 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 24th, 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 new dwellings would sit on land that currently comprises open space. The loss of the open space is considered to be acceptable in principle as the development forms part of the Briar Development Brief and Improvement Proposals which, in mitigation for the loss of some areas of open space, provides for environmental improvements across the estate as a whole. The area of open space to be lost is set back from the highway and enclosed on all sides by residential development. It is not therefore considered that building on this site would harm the intrinsic character of the Briar Road Estate as a whole.
- 6.4.2 The proposed development would effectively continue the existing terrace of houses at 13-20 Saddleworth Square in a westerly direction and it is considered that this would acceptably integrate with the exiting pattern of development locally. No material harm to local character or amenity is considered to result. The proposed houses are two storey, as are others in the locality. The proposed dwellings will however be taller than neighbouring development, primarily owing to the differing roof pitches. The proposed dwellings are not taller than neighbouring houses to the extent that they appear materially out of character, particularly as there are a number of different development types and styles existing in the locality. The eaves line of the proposed dwellings is also generally consistent with that of neighbouring property, which provides a degree of continuity with adjoining development.
- 6.4.3 Each dwelling is provided with private, rear amenity space, which is in the region of 50 square metres per dwelling for the two bed houses and around 75 square metres on average for the three bed dwellings. 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 existing parking area at the northern end of the site will be retained but modified to increase the number of parking spaces. This will involve the loss of two trees within the site and a section of grass verge. However, two other

trees can be retained and no overall harm to local character is considered to result.

- 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 The terrace of proposed houses will lie adjacent to the flank wall of the nearest dwelling to the east of the site, no.13 Saddleworth Square. The front and rear building lines of the proposed terrace are similar to that of the neighbouring houses and are not judged to result in a material loss of amenity to occupiers of this property.
- 6.5.2 To the south the proposed dwellings will face towards the rear garden of dwellings at 16-24 Okehampton Square. The front elevation of the proposed houses is separated from the rear fence line of the houses to the south by a public footpath and is positioned 7.5m from the back fence. It is considered that this relationship is sufficient to maintain acceptable levels of residential amenity and is not materially different from the situation that already exists, for example with the relationship between the existing terrace of dwellings at 13-20 Saddleworth Square and properties to the south. The rear windows of existing dwellings to the south will look towards the front elevation of the proposed dwellings at a distance of 16.5m. It is considered that this distance is sufficient to ensure a suitable degree of privacy and amenity for occupiers of both existing and proposed dwellings. The development lies to the north of the Okehampton Square properties so will not materially affect light.
- 6.5.3 To the north of the site there are two terraces of properties, 38-48 Charlbury Crescent, which is situated north-west of the application site and 50-68 Charlbury Crescent, which is situated to the north-east of the application site. Those dwellings to the north-western side back on to the application site. There is a separation distance of at least 19m back to back and Staff consider this is sufficient to maintain acceptable levels of privacy and amenity and to prevent unacceptable loss of light to neighbouring development. There is a two storey flatted building located to the north-eastern side of the site. This is positioned end-on to the application site such that the new dwelling at the eastern end of the proposed terrace will look towards the side elevation of this building. The back to flank distance is more than 10m and Staff consider the level of amenity for both existing and future residents is acceptable.

6.5.4 The dwellings to the western side of the site are sufficiently far away, at a front to flank distance of almost 15m, not to be materially harmed by the proposed development. The alterations to the existing parking area are not considered to materially harm amenity as it is a relatively small scale addition to the parking that already exists.

6.6 Parking and Highway Issues

6.6.1 The proposed development will increase the number of parking spaces from the 14 that currently exist to 23. This represents an increase of 9 spaces overall. Ten of the proposed spaces will be allocated for use by the new dwellings, which would meet the LDF parking requirement of 1.5-2 spaces per dwelling. Setting aside the parking to be allocated to the new dwellings, the development would leave 13 parking spaces for general use, which is one space less than currently available. Staff do not consider this to have a material impact on the opportunities for parking locally. Furthermore, 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 £36,000 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 Other issues raised in representations include disruption during construction, which is not a material planning consideration. Noise from the proposed development is not considered to be sufficient grounds to refuse permission given that this is a relatively small housing development. Pollution would not be increased at significant levels to justify refusal of planning permission. Issues relating to anti-social behaviour on the estate are noted but the proposal should be considered in the context of the wider strategy for the Briar Road estate, one of the key aims of which is to reduce anti-social problems.

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 560 square metres, which equates to a Mayoral CIL payment of £11,200 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.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

20 June 2013

Subject Heading:

**P0378.13: Briar Site 9Q- 118-122
Straight Road, Romford**

**Demolition of existing garages and
erection of three storey building
providing 3 flats (1 x 1 bed and 2 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	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

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 £2,920.00. This is based on the creation of 146m² 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 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. 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.

11. 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.

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

- 13. 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.

- 14. 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.

- 15. Obscure glazing – The proposed first and second floor windows to the south facing elevation, serving the living/dining/kitchen shown on drawing no. 1117-9Q-PL-101 Rev B, shall be permanently glazed with obscure glass to a minimum height of 1500mm above finished floor level. The obscure glazed section of the window shall also be permanently fixed shut. The window shall be maintained as such in perpetuity.

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 13 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 a garage court located to the rear of nos. 118-122 Straight Road, directly opposite its junction with Clematis Close. The site also shares a boundary on to Mimosa Close. The garage block presently provides 8 units and associated surface parking. There is an area of grass verge in front of the garages, which also forms part of the application site.
- 1.2 To the immediate north, south and west of the application site are three storey flatted blocks. To the east, on the opposite side of the road there is a three storey terrace, 1-4 Mimosa Close.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage block and the construction of a single flatted block, comprising three no. flats. The ground floor flat has one bedroom and the upper floor flats each have two bedrooms. The proposal includes an integrated cycle store and refuse store at the ground floor of the building.
- 2.2 The flats are contained within a single block, that will directly adjoin the most easterly end elevation of the existing block at 118-122 Straight Road. The new block will extend 13.4m to the east of the existing block and has an overall depth of 8.3m. It is 11.5m high to the ridge of a gabled ended roof, with a slightly lower linking extension, containing the proposed stair core, that is 10.2m high.
- 2.3 The site provides 3 no. in curtilage parking spaces for use by occupiers of the proposed development.

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 37 local addresses. Two letters of representation and a petition containing 30 signatories have been received, objecting on the following grounds:

- flats were only meant for older people
- area already overcrowded and with anti-social behaviour, so should not be increasing the population of the estate
- inadequate parking
- loss of green spaces
- difficult to collect refuse
- loss of light
- loss of privacy
- increased traffic
- feeling of enclosure
- increased noise
- impact of building works

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 24th, 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 has requested minor revisions to the internal layout of the site to improve security of the refuse and cycle stores. 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 verge so largely constitutes previously developed land. The proposed development would be further forward in the streetscene than development to the north (124-128 Straight Road) but would sit behind the building line set by 112-116 Straight Road. The scale and height of the development is also compatible with the neighbouring flats and it is therefore considered that the proposed development would not appear visually intrusive, overbearing or out of character in the street scene. There is scope to provide new landscaping to the site frontage on to Mimosa Close, which can be secured by condition.
- 6.4.2 The proposed flats would be attached to the east facing end elevation of the existing block at 118-122 Straight Road and would effectively extend the block. The design and scale of the proposed flats is considered to be in keeping with the block to which it would be attached, such that no material harm to local character is considered to result.
- 6.4.3 The proposed flats would be provided with a communal amenity area that is around 5m deep. This is consistent with amenity space provision for other flats locally and considered to result in development of acceptable character and amenity for future occupiers of the development. The upper floor flats will also have a private balcony each.
- 6.4.4 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.5 The Borough Crime Prevention Design Advisor The Borough Crime Prevention Design Advisor has requested minor revisions to the internal layout of the site to improve security of the refuse and cycle stores. These have been provided and 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 The proposed flats will extend from the east facing flank wall of the existing flats at 118-122 Straight Road, effectively running from the bottom end of a 'T'-shaped block. This end elevation has no windows and so extending this elevation is acceptable in principle. The proposed building would virtually align with the front and rear elevations of this part of the existing flats, such that the extension would not directly impede light or outlook from existing windows set further back on the east facing elevation of the existing building.
- 6.5.2 To the south of the site is the flatted block at 112-116 Straight Road. Owing to the orientation of this block to the south of the application site, it is not considered that the development would result in material loss of sunlight or daylight to this block. The existing block has habitable room windows in its north facing elevation, which would face towards the south facing flank

elevation of the proposed building. There is a separation distance of approximately 11.5m between the respective flanks elevations, which is considered would be sufficient to maintain an acceptable degree of amenity for occupiers of the existing block. The proposed development is also designed so that windows which face towards the existing habitable room windows will be obscure glazed to a height of 1500mm above finished floor level. It is recommended that this apply to both the first and second floor flats. This arrangement is considered acceptable as the rooms in question are a living/dining room and also have a second window to the east facing elevation.

- 6.5.3 To the north of the site is the flatted block at 124-128 Straight Road. This is set back further from the Mimosa Close boundary than the proposed block and is also some 18.5m away. It is considered that this is sufficient to prevent material loss of privacy, amenity or light to occupiers of the flats at 124-128 Straight Road.
- 6.5.4 The development is sufficiently far from the dwellings on the eastern side of Mimosa Close, across the public highway, that material harm to the amenity of occupiers of these properties is not considered to result.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 3 parking spaces, all of which would be made available for the new flats. This is equivalent to one space per unit, which is marginally below the 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.
- 6.6.6 The application makes provision for cycle storage within the block, which will cater for 5 cycles. This is acceptable. The application also makes provision for a refuse store that is considered to be adequate for the proposed development and in a suitable location for collection and servicing.

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 Other issues raised in representations include disruption during construction, which is not a material planning consideration. Noise from the proposed flats is not considered to be sufficient grounds to refuse permission. Issues relating to anti-social behaviour on the estate are noted but the proposal should be considered in the context of the wider strategy for the Briar Road estate, one of the key aims of which is to reduce anti-social problems.

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 242 square metres less 96 square metres of floorspace (ie 146 square metres), which equates to a Mayoral CIL payment of £2,920 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

20 June 2013

Subject Heading:

**P0377.13: Briar Site 9P- 130-134
Straight Road, Romford**

**Demolition of existing garages and
erection of three storey building
providing 6 flats (6 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	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

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 £7,460.00. This is based on the creation of 373m² 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 £36,000 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 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. 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.

11. 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.

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

13. 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.

14. 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 13 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 a garage court located to the rear of nos. 130-134 Straight Road. The site also shares a boundary on to Mimosa Close. There is an existing garage block and surface parking, which currently totals 18 spaces. There is an area of grass verge in front of the garages, which also forms part of the application site.
- 1.2 To the immediate south and west of the application site are three storey flatted blocks. To the north there is three storey flatted development, which forms part of Natasha Court. To the east, on the opposite side of the road there is three storey terraced housing fronting on to Mimosa Close.

2. Description of Proposal

- 2.1 The application will involve the demolition of the existing garage block and the construction of a single flatted block, comprising six no, 2 bed flats. The proposal includes a ground floor cycle store and refuse located in a single storey enclosure to the side of the building.
- 2.2 The flats are contained within a single block, that will front on to Mimosa Close. The new block will have an overall length of 26m, including the refuse and cycle store, and has an overall depth of 8.3m, excluding the ground floor entrance. It is 11.5m high to the ridge of a gabled ended roof, with a slightly lower linking extension, containing the proposed stair core, that is 10.2m high.
- 2.3 The site will provide 8 in curtilage parking spaces, of which 6 will be allocated for use by occupiers of the proposed development.

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 69 local addresses. Three letters of representation (two from the same resident) and a petition containing 11 signatories have been received, objecting on the following grounds:
 - inadequate parking
 - loss of green spaces and trees
 - loss of light
 - loss of privacy and overlooking

- increased traffic
- feeling of enclosure
- noise
- road will be more dangerous
- traffic surveys are flawed and doesn't reflect accident statistics
- difficulty of access for emergency services

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 24th, 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 has requested minor revisions to the internal layout of the site to improve security of the refuse and cycle stores. 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 verge so largely constitutes previously developed land. The proposed development would generally align with the building line set by the adjacent block to the south of the site and viewed in the context of other three storey development surrounding the site. The scale and height of the development is also compatible with the neighbouring flats and it is therefore considered that the proposed development would not appear visually intrusive, overbearing or out of character in the street scene. The proposal will result in the loss of two trees from the site frontage. These are no subject of any preservation order and the development does provide scope for new landscaping to the front and side boundaries of the site. On balance, Staff consider this would be acceptable and can be secured by condition.

6.4.2 The design and scale of the proposed flats is considered to be in keeping with that of surrounding development, such that no material harm to local character is considered to result.

- 6.4.3 The proposed flats would be provided with a communal amenity area that is around 4m deep and 44 square metres in area. This is consistent with amenity space provision for other flats locally and considered to result in development of acceptable character and amenity for future occupiers of the development. The upper floor flats will also have a private balcony each.
- 6.4.4 Ecology reports have been submitted with this application. No significant ecological or environmental impacts are considered likely to arise from the proposed development.
- 6.4.5 The proposals have been revised in line with suggestions made by the Borough Crime Prevention Design Advisor and the proposal is therefore considered to be acceptable 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 The proposed flats will be located to the east of the existing flats at 130-134 Straight Road. The existing block is 'T'-shaped, such that the bottom part of the 'T' is the closest to the proposed development. This is an end flank wall with no windows and it is considered that this relationship is acceptable. The proposed building would be separated from east facing windows in the existing block by a distance of almost 18m and Staff consider that this distance, coupled with the orientation of the block east of the existing flats, would prevent material loss of light and outlook or material interlooking between the units.
- 6.5.2 To the south of the site is the flatted block at 124-128 Straight Road. Owing to the orientation of this block to the south of the application site, it is not considered that the development would result in material loss of sunlight or daylight to this block. The existing block has habitable room windows in its north facing elevation, which would face towards the south facing flank elevation of the proposed building. There is a separation distance of approximately 11.5m between the respective flank elevations at upper floor levels, which is considered would be sufficient to maintain an acceptable degree of amenity for occupiers of the existing block. The proposed development is also designed so that there are no south facing flank windows in the proposed block, which will prevent interlooking and loss of privacy to occupiers of the flats to the south.
- 6.5.3 To the north, the proposed development is well separated from the existing blocks. The closest buildings are in Natasha Court, north-east of the site, which are approximately 23m away. No material harm to the occupiers of these properties is considered to result.
- 6.5.4 The development is sufficiently far from the dwellings on the eastern side of Mimosa Close, some 22.5m across the public highway, that material harm to the amenity of occupiers of these properties is not considered to result.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 8 parking spaces, 6 of which would be made available for the new flats. This is equivalent to one space per unit, which is marginally 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.
- 6.6.6 The application makes provision for cycle storage within the block, which will cater for 5 cycles. This is acceptable. The application also makes provision for a refuse store that is considered to be adequate for the proposed development and in a suitable location for collection and servicing.

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £36,000 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 Other issues raised in representations include disruption during construction, which is not a material planning consideration. Noise from the proposed flats is not considered to be sufficient grounds to refuse permission. Issues relating to anti-social behaviour on the estate are noted but the proposal should be considered in the context of the wider strategy for the Briar Road estate, one of the key aims of which is to reduce anti-social problems.

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 469 square metres less 96 square metres of floorspace (ie 373 square metres), which equates to a Mayoral CIL payment of £7,460 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.