



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 27 June 2013	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
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 APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 28)

5 P0424.13 - SHANKS WASTE LTD, CREEK WAY (Pages 29 - 38)

6 P0496.13 - FORMER OLDCHURCH HOSPITAL (TAYLOR WIMPEY) (Pages 39 - 60)

7 P0621.13 - 106 HILLDENE AVENUE, ROMFORD (Pages 61 - 68)

- 8 **P0179.13 - LAND REAR OF 23-31 VICTORY WAY, COLLIER ROW** (Pages 69 - 88)
- 9 **P1555.12 - SPRING FARM PARK, LAMBS LANE NORTH, RAINHAM** (Pages 89 - 94)
- 10 **P0366.13 - BRIAR ROAD SITE 6B-1** (Pages 95 - 112)
- 11 **P0367.13 - BRIAR ROAD SITE 6B-2** (Pages 113 - 128)
- 12 **P0387.13 - BRIAR ROAD SITE 9K** (Pages 129 - 146)
- 13 **P0383.13 - BRIAR ROAD SITE 10N** (Pages 147 - 162)
- 14 **P0390.13 - BRIAR ROAD SITE 9F** (Pages 163 - 178)
- 15 **LAKEVIEW CARAVAN PARK - PLANNING CONTRAVENTION** (Pages 179 - 188)
- 16 **19-25 FERNDALE ROAD, COLLIER ROW - BREACH OF PLANNING CONTROL**
(Pages 189 - 196)
- 17 **URGENT BUSINESS**

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

Ian Burns
Acting Assistant
Chief Executive

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Agenda Item 4

Regulatory Services Committee

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Item 4

Page No.	Application No.	Ward	Address
1-7	P0002.13	Harold Wood	Ivy Lodge Veterinary Clinic, Nags Head Lane, Upminster
8-14	P0232.13	Emerson Park	4-6 Essex Gardens, Hornchurch
15-20	P0431.13	Upminster	Leprechaun, Gerphins Lane, Upminster
21-25	P0517.13	Romford Town	33, 37 & 41 Market Place, Romford

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APPLICATION NO:	P0002.13	
WARD :	Harold Wood	Date Received: 17th January 2013 Expiry Date: 14th March 2013
ADDRESS:	Ivy Lodge Veterinary Clinic Nags Head Lane Upminster	
PROPOSAL:	Retention of stables and hay barn and proposed hardstanding revised plan received 27/2	
DRAWING NO(S):	Location Plan 276 00; Site Plan 276 01 276-03A 276-02 Rev A Planning Statement/Design and Access Statement	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The site is located within the Metropolitan Green Belt. There is a large modern agricultural building, finished in green profile steel cladding, which is in use in connection with the veterinary practice for equine care. The agricultural-style building incorporates an equine operating theatre, three loose boxes, a preparation area and rest accommodation/offices.

The building, the subject of this application, is located to the north east of the Vets building. It is single storey with pitched roof. The photographs taken at the time of the site visit confirm that there are two stables and a section for the storage of hay. There is an area of hardstanding to the front of the stable/barn block together with a short section of access driveway, linking to the existing driveway access. A new post and rail fence has been erected.

To the east is a detached dwelling (Paternoster Cottage), which was the subject of an application (P0937.03) for a replacement dwelling to move the original dwelling further away to the north-west of the Vets. To the north lies the former garden to the existing dwelling which encompasses a pond in its southern corner which was returned to open green belt as part of the application for the replacement property which has its own separate garden/curtilage.

DESCRIPTION OF PROPOSAL

The proposal is for the retention of the stables/hay barn and hardstanding.

The barn is 15.25m long and 6m wide. It has a pitched roof with gabled ends with a ridge height of 4.4m above ground level. Unlike details indicated on the application form, the building has been finished in black-stained horizontal weather boarding with a dark grey profiled metal roof. The hardstanding area is approximately 173 sq.m. with a dark brown compacted surface.

A Special Circumstances Case has been submitted which is summarised as follows:

- While Policy DC45 does not specifically allow equine-type development, hay barns or stables, the Council has previously allowed a similar, larger building at the application site as an exception to the policy such that the principle of the building is established
- In accepting the previous similar building, the Council accepted that the special circumstances

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then were the very special circumstances needed to outweigh the general presumption against inappropriate development in the Green Belt and these same circumstances are relevant now including that it is essential for the running of the vets practice and the health of the horses

- Paragraph 28 of the NPPF (which is a later document to the LDF and is a material consideration) encourages the growth and expansion of rural businesses within the green belt as they provide rural services, employment and economic growth subject to them not being detrimental to the character of the countryside

- there is no suitable alternative building suitable for the dual purpose use

- the new location for this smaller stables/hay barn is well screened

- the proposal is convenient for the loading and unloading of animals and hay/straw equipment

- The present facilities are too small for the size of animal kept on site and the building is essential for the running of this rural enterprise and the health of the equine patients

- the building has a very limited effect on openness given its scale and siting

RELEVANT HISTORY

L/HAV/1870/83 - Rebuild existing cottage, withdrawn.

P1339.85 - Porch to rear of property, approved.

P0291.87 - Raise level of land for natural drainage to make use for arable farming, refused.

P0299.87 - Proposed garden centre, refused.

P0364.87 - Conversion of existing agricultural barn to provide veterinary surgery, approved.

P1476.87 - Change of use of existing farm cottage to provide veterinary clinic and offices, approved.

P1966.87 - Parking area and roadway, appeal against non-determination dismissed.

P1978.87 - Change of use to garden centre, appeal against non-determination dismissed.

A0112.90 - Illuminated sign fixed to wall of building, refused.

P0060.93 - Change of use of field from agricultural land to fishing lake, withdrawn.

P1802.02 - Replacement dwelling, approved.

P0937.03 - Replacement dwelling, approved

P0946.03 - Barn to provide stables, store and hay store

Apprv with cons 31-12-2003

P0945.03 - Access road

Apprv with cons 03-02-2004

P0937.03 - Replacement dwelling - approved under reference P1802.02 to a revised siting and curtilage

Apprv with cons 10-11-2003

P1802.02 - Replacement dwelling

Apprv with cons 03-03-2003

P0373.99 - Two storey extension to barn to provide all veterinary care facilities

Apprv with cons 29-03-2000

P0145.97 - Extension & improvements to clinic with residential flat on first floor

Apprv with cons 12-06-1997

P0060.93 - Change of use of field from agricultural land to fishing lake

Withdrawn 05-08-1993

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P1168.92 - Ground floor rear extension with matching pitched roof to existing building to create additional floor area for Veterinary Clinic
Apprv with cons 20-11-1992

CONSULTATIONS/REPRESENTATIONS

15 neighbouring occupiers were notified of the application. There have been no replies.

Highway Authority - no objections.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP17 - Design

CP7 - Recreation and Leisure

DC22 - Countryside Recreation

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

OTHER

LONDON PLAN - 7.16 - Green Belt

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The building would be 80 sq.m and, as this is less than 100 Sq.m, would not be liable for the Mayoral CIL.

STAFF COMMENTS

The issues to be considered in this case are the principle of the development, impact upon the openness of the Metropolitan Green Belt, impact in the streetscene/garden environment and impact on surrounding residential amenity.

BACKGROUND

The Ivy Lodge Veterinary Clinic was established in the 1980s with a strong equine bias. At the time it was recognised that the site was at the edge of a residential area but within the Green Belt. That proposal involved the reuse of an existing agricultural building which was well suited to the care of large animals and horses especially.

In 2003 (P0946.03) planning permission was granted for a similar structure to the north/north-west of the Vet's building, beyond the then garden and house of Paternoster Cottage. This has not been implemented. For comparison purposes, that proposed building was larger at 15m long and 10m wide.

PRINCIPLE OF DEVELOPMENT

Policy DC45 and the NPPF set out a general presumption against new development in the Green Belt. The proposed building would be in connection with a use that does not fall within the exceptions referred to in the NPPF as appropriate development within the Metropolitan Green Belt, as it does not relate to agriculture, forestry or outdoor recreation uses and is not an extension to an existing building. The proposed building is therefore inappropriate development,

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which is harmful in principle to the openness of the Green Belt.

Policy DC22 - Countryside Recreation - indicates that opportunities for informal recreation in the countryside will be increased by, among others..."allowing equestrian and horse-keeping facilities in the Green Belt subject to no adverse effect on the amenity of residents or the countryside". Whilst not strictly relevant because this scheme does not relate to a recreational use it recognises that equestrian facilities cannot readily be accommodated within the built-up area and that there is considerable pressure for such facilities to be located in the countryside. Staff consider that it is reasonable for any building relating to countryside recreation is considered in relation to the relevant criteria.

As the proposal is for inappropriate development, in line with the NPPF, special circumstances must exist to enable such development. Firstly issues are considered as to whether any other harm is caused by the proposed development.

GREEN BELT IMPLICATIONS

Members would also need to consider whether, in addition to the issue of principle, the physical impact of the proposed barn and stables would adversely the open, rural character of this part of the Green Belt.

It should be borne in mind that a similar, if larger, structure was approved in 2003. While that permission is no longer extant, the building to be retained through this application is located closer to the existing group of buildings and to the inside of an "L-shaped" section of landscaping in the form of a row of trees, although it would be located in the same previously open field. Since the earlier scheme was considered to be acceptable in a more prominent and less screened section of the Vet's land, in terms of its impact, Staff consider that the current building would similarly be acceptable in terms of its impact on the open character of the Green Belt.

Staff consider that this represents a more appropriate alternative to the previously approved scheme in respect of its overall impact on the open character of the Green Belt and that it would support the Green Belt concept of it being used for the purposes of providing for outdoor sport and recreation.

Assessment of physical impact involves a degree of judgement, on which there is scope that Members may reach a different conclusion. However, Staff consider that the structure has an acceptable impact on the open, rural character of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The Stables/hay barn is a small, single-storey structure with black painted weather boarding and a dark grey profiled roof. It is similar to other such structures on farms throughout the rural parts of the Borough and the adjoining Essex County. Staff therefore consider that the design of the building would be acceptable as it would be in character with its rural context. The hardstanding is located to the front of the building and, to the south side of the fence would be approximately 170 sq.m. Staff consider that the surfacing does not detract from the rural environment.

The stables/barn is single-storey and located more than 60m from the Highway to Nags Head Lane (from which access is taken). As a result, Staff do not consider that the retention of the building and the hardstanding area would have any significant impact on visual amenity in the streetscene.

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The proposal would not impact on any rear garden environment as the rear garden to Paternoster Cottage is located to its east.

IMPACT ON AMENITY

The only affected residential property is Paternoster Cottage. The Cottage was recently completed following the grant of permission to relocate the original dwellinghouse further away from the Vets and increase it in size. Any occupiers of this house occupy it in the full knowledge of the adjoining Vet's business with its attendant traffic and activity levels.

The proposal would introduce greater activity closer to the Cottage, nonetheless given the small scale of the building with only two stables and its limited hay storage area, Staff do not consider that the activity surrounding this part of the Vet's business would be so significant that existing residential amenity would be affected. A suitable landscaping condition can be attached to any grant of planning permission to require an element of screening between the building and the Cottage to soften the physical presence of the building which would be visible from the western facing windows of the dwellinghouse.

It is nonetheless appropriate that the use of this building is restricted to be ancillary to the main use of the site as a Veterinary Surgery.

HIGHWAY/PARKING

Access to the barn is taken directly from the existing access road from Nags Head Lane. No additional parking provision is proposed.

No highways objections have been raised to the proposed barn.

OTHER ISSUES

Harm has been identified in principle in respect of the development's impact on the Green Belt. The NPPF indicates that very special circumstances must exist if such development is considered to be acceptable in the Green Belt.

Applicant's Special Circumstances Case:

While Policy DC45 does not specifically allow equine-type development, hay barns or stables, the Council has previously allowed a similar, larger building at the application site as an exception to the policy such that the principle of the building is established

In accepting the previous similar building, the Council accepted that the special circumstances then were the very special circumstances needed to outweigh the general presumption against inappropriate development in the Green Belt and these same circumstances are relevant now including that it is essential for the running of the vets practice and the health of the horses

- While it is recognised that a previous scheme was acceptable, each case needs to be assessed in respect of its own special circumstances at the time of submission as the material circumstances may have changed. In this case, it is material that the earlier approval was not implemented

Paragraph 28 of the NPPF (which is a later document to the LDF and is a material consideration) encourages the growth and expansion of rural businesses within the green belt as they provide rural services, employment and economic growth subject to them not being detrimental to the character of the countryside

- Staff consider it reasonable that the veterinary care of horses is provided in a rural environment

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and that such facilities be made available accordingly. It is considered that whilst not a special circumstance as any rural business could apply this, it is a further reason to consider that the proposal would be acceptable in the green belt as it would meet the aims of this part of the NPPF

there is no suitable alternative building suitable for the dual purpose use

- This fact is not disputed

the new location for this smaller stables/hay barn is well screened

- this is dealt with above

the proposal is convenient for the loading and unloading of animals and hay/straw equipment

- the siting of the proposed development closer to the existing access road than the previous approval is noted and results in less hardstanding than would have been required previously; the location is also closer to the vets building and enables closer supervision of the sick horses. The hay barn/equipment store would still be located in the open area from which the hay is drawn. It is considered that this amounts to a special circumstance in relation to the vets and field for which it provides a dual use

The present facilities are too small for the size of animal kept on site and the building is essential for the running of this rural enterprise and the health of the equine patients

- The provision of additional facilities to support the existing clinic is considered appropriate, as this would improve the existing service already provided, which would be of benefit to the wider locality, bearing in mind the number of equestrian centres in the vicinity. In these circumstances Staff consider that the proposals are not to be regarded as being harmful to the interests of the Green Belt.

- The stables/barn would provide care facilities for horses receiving treatment that require an overnight stay. Associated with the stables would be the provision of a hay and equipment store required in order to harvest hay from adjacent fields and store the machinery necessary to harvest the hay. Staff consider that the provision of a hay store to ensure sufficient feed is available for the horses resident on site can be classed as an essential facility.

The building has a very limited effect on openness given its scale and siting

- This is addressed above

Staff consider that the special circumstances indicated above amount to the very special circumstances necessary for the development to outweigh the harm to the Green Belt concept identified.

KEY ISSUES/CONCLUSIONS

In conclusion, Staff are of the view that the stables/hay barn is inappropriate development in the Green Belt but that no other harm is identified. It is considered that very special circumstances exist such that these outweigh the harm to the Green Belt in principle.

RECOMMENDATION

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

1. Non standard condition No 2

Details of the arrangements for the management and disposal of animal waste and

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2. Non standard condition

There shall be no burning of waste products on the site at any time.

Reason:

In order to protect the amenity of the area.

4. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be stables/hay barn only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policies DC45 and DC61.

5. SC20 (Ancillary use) ENTER DETAILS

The building(s) hereby permitted shall be used only for activities ancillary to the main use of the site for the purposes of Veterinary Clinic.

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.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45 and DC22 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

2 Approval - No negotiation required

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

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APPLICATION NO:	P0232.13	
WARD :	Emerson Park	Date Received: 9th April 2013 Expiry Date: 4th June 2013
ADDRESS:	4-6 Essex Gardens Hornchurch	
PROPOSAL:	Sub division of shop to form a take away and extraction flue Amended drawings & documentation, received 09.04.13	
DRAWING NO(S):	SSCD 7845/1 SSCD 7845/1 Block Plan	
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

This planning application has been called in by Councillor Roger Ramsey owing to the following concerns:

- Loss of amenity
- Traffic Noise
- Parking
- Odour and litter

SITE DESCRIPTION

The application site forms part of a ground floor commercial unit with residential flats above. The ground floor is currently in use as a convenience store (A1). The convenience store spans over two units.

The unit is within a parade that is designated as a Minor Local Centre

The neighbouring properties within the parade consist of a Newsagent and a storage space on the ground floor with residential above.

The residential properties are accessed to the rear of the site via an external staircase.

The parade is set back from the highway.

There is an existing layby to the front of the site.

DESCRIPTION OF PROPOSAL

The application is for the subdivision of a shop and change of use from retail (A1) to a hot food takeaway (A5) and installation of an extraction flue to the rear. The hot food takeaway would be a Fish and Chips shop.

The remainder of the shop equal to one and a half units that is not subject to the proposed change of use would remain as an A1 Newsagents.

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The agent has agreed to reduce the originally proposed opening hours to 11:00am to 10:00pm Monday to Friday, Sundays and Bank Holiday and 11:00am to 10:00pm on Saturdays.

The application is accompanied by indicative floor plans which indicate the provision of a waiting area, service bar, kitchen and work top.

In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flank rear wall of the building. The flue would be positioned a minimum of 900mm above any neighbouring habitable room.

RELEVANT HISTORY

P0503.03 - Change of use to use class A3 takeaway delivery
Refuse 06-05-2003

P1436.01 - Change of use from A1 (Retail) to A3 (Sale of Hot Food)
Refuse 23-11-2001

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of adjoining properties. 42 letters of objection and 3 petitions were received as summarised below:

- Lack of parking and highway safety.
- Congestion
- Late opening hours
- Late night deliveries.
- Smell.
- Unsuitable use in residential area
- Rubbish/ Littering
- Light pollution
- Noise.
- Loss of amenity
- There should be a balance between shops and food related premises.
- Anti-social behaviour issues.
- Obstruction to bus route
- Resulting vermin and foxes
- Impact on the health of chronically ill neighbour, especially through increased stress levels
- Fast food Takeaway would impact on the A1 use
- Installation of a flue is not acceptable
- Not required. Existing takeaways in the surrounding area
- Effect on house prices
- Encourage children to eat unhealthy

Crime Prevention Design Advisor Comments: The Police Safer Neighbourhood Sergeant for the area confirmed that there are no existing anti-social behaviour problems at present. It is therefore considered that there are no material objections concerning any crime or community safety issues that may be raised by this application.

The Council's Environmental Health Department raise no objection subject to the provision of conditions.

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Highways Authority - No objection

RELEVANT POLICIES

LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC36 - Servicing

OTHER

LONDON PLAN - 2.15 - Town Centres

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 6.9 - Cycling

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for a change of use, as such no building works would be undertaken and the CIL liability would be zero.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Minor Local Centre. Planning permission will be granted for A1 uses at ground floor level together with service uses A2, A3, A4 and A5. The application is for a Fish and Chip Shop. The proposed use would fall in under class use A5 "Hot Food Takeaway".

The proposed takeaway providing services to this Minor Local Centre of Essex Gardens would contribute to the vibrancy and vitality of the locality.

The purpose of the retail frontage is to provide retail and service uses so that they do not have to be located in more sensitive area such as within residential areas. In this instance, as the proposed use would remain within the "A-Use" class, provide a service, create a footfall and generally contribute to the vitality and viability of the centre. Takeaways are usually found in town centre locations and on commercial parades.

Details have been submitted in relation to the layout of the unit which show that the customer counter and waiting area would be located to the front of the premises and the kitchen would be located to the rear. In addition, the Takeaway would be open during the normal shopping hours of this local parade.

The advice contained in the NPPF is that retail vitality should be protected such that Local Plans should "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations".

The proposed change of use is therefore considered acceptable in principle. Subject to, safeguarding the vitality and viability of the parade, character and appearance of the area, neighbours amenity, highway safety and parking standards.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

The extraction flue would not be visible from Essex Gardens or harmful to the street scene, as it would be located to the rear the building. In addition, the width and depth of the extraction flue are relatively modest in size. Details of the colour and external finish of the extraction flue will be secured by condition if minded to grant planning permission. Overall, it is considered that the extraction flue would be within the realms of acceptability.

IMPACT ON AMENITY

With regard to the impact upon the amenity of neighbouring occupants consideration must be given to potential implications in terms of operating hours, noise and disturbance and odours, particularly in view of the fact that there are residential properties located on the upper floors the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. It is considered that a use such as that proposed is more suitably located within a local centre location than within a predominantly residential setting and that the amenities of residents living within the local centre are not normally expected to be as high as for residents living in purely residential locations.

The application property lies within a parade of commercial premises which forms part of the Essex Gardens Minor Local Centre. The parade providing two separate newsagents currently attracts patrons that travel by foot, public transport and by car. It is considered that the proposed use would not significantly increase the level of noise and disturbance from pedestrian movements and vehicles over and above the existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.

The proposed hours of use have been reduced to be similar to that of the existing newsagents within the parade. The proposed takeaway would not be open later than 10.00pm Monday to Friday / Sundays and Bank Holidays and 11.00pm on Saturdays. It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located within a fully functional commercial parade.

It is noted that previously planning applications P1436.10 for a change of Use from A1 to A3 and application P0503.03 for a change of use from A1 and A3 at 8 Essex Gardens were refused on 23.11.01 and 06.05.03, respectively. The applications were refused primarily on the grounds that noise and disturbance from late night activity in the form of vehicle movement would harm the amenities of surrounding occupants. It is considered that as the proposed hours of operation have been reduced to be open not as late as previously refused and the proposed use as a takeaway only would limit the time customers spend visiting the premises.

Environmental Health has no objection to the installation of the extract duct to the rear of the building. Subject to, a condition being attached to any approval that mitigates odour nuisance in order to safeguard the amenity of neighbouring occupants.

Subject to safeguarding conditions, it is considered that the previous reasons for refusal have been addressed and that the proposal would not harm the living conditions of neighbours in accordance Policy DC61.

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HIGHWAY/PARKING

The application does not involve any changes to the existing highway or creation of car parking provisions. There is an existing lay-by that is situated to the front of the parade of shops and there is unrestricted on street car parking within the immediate vicinity.

It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit. Highways raised no objections. The proposal is therefore considered acceptable in parking standards and highway safety terms in accordance with Policy DC33.

KEY ISSUES/CONCLUSIONS

The proposal is for a change of use to an A5 Class Use within the Minor Local Centre. It is recognised that Takeaways, do provide a service which is compatible with a town and local centres. It is therefore consider that the proposal would be acceptable subject to the imposition of conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 11:00am and 10.00pm Mondays to Fridays/Sundays and Bank Holidays and between the hours of 11:00 and 11.00pm without the prior consent in writing of the Local Planning Authority.

Reason:-

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4. SC58 (Storage of refuse)

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse 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.

5. Non Standard Condition

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

The level of dispersion has been calculated based upon an estimation of intended use, scale and nature of the business and has been determined as Discharging 1m above ridge at 15m/s.

Odour control should be implemented as described in guidance issued by the environment health department to the level required by the level of likely nuisance.

Reasons:

To protect the amenity of occupiers of nearby premises

6. Transmission of noise

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

Reason:

To prevent noise nuisance to adjoining/adjacent properties.

7. Remove or disperse odours

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

Reasons:

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INFORMATIVES

1 Reason for Approval

The proposed change of use is considered to be in accordance with the aims, objectives and provisions of Policy DC16 of the LDF Core Strategy and Development Control Policies Development Plan Document. It is considered to be an acceptable proposal, as it would not result in any adverse impact on retail viability or vitality, the character and appearance of the area, neighbours amenity, highway safety and parking standards.

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

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

REGULATORY SERVICES COMMITTEE

27th June 2013

APPLICATION NO:	P0431.13	
WARD :	Upminster	Date Received: 8th April 2013 Expiry Date: 3rd June 2013
ADDRESS:	Lepreuchaun Gerpins Lane Upminster	
PROPOSAL:	Conversion of existing bungalow to a chalet-bungalow including dormer windows to front & rear roof-slopes (north & south) and side extension.	
DRAWING NO(S):	PL-5036_08 OS Map PL-5036_01 PL-5036_02 PL-5036_03 PL-5036_04 PL-5036_05 PL-5036_06 PL-5036_07 PL-5036_09	
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

No.

SITE DESCRIPTION

The application site, which is basically open and flat, is located in the Green Belt on the southern side of Gerpins Lane. To the west lies Havering Council's waste re-cycling centre; to the east are substantial plots of residential properties fronting the western side of Aveley Road; to the north is recently planted woodland forming part of the Thames Chase Community Forest and to the south is open undeveloped Green Belt land.

Towards the eastern side of the site there is a lake adjacent to which are three mobile homes that were the subject of a previously refused application under P0064.12 and later dismissed on appeal.

There are, in addition, two shipping containers that are being used on a temporary basis.

The north, east and west boundaries of the site are substantially enclosed by hedgerows. The southern boundary is more open looking out onto open undeveloped land in the Green Belt.

The land is substantially undeveloped but for a bungalow and a newly erected building to which a separate parallel application for retrospective planning permission relates.

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DESCRIPTION OF PROPOSAL

The Council is in receipt of a planning application for the conversion from a bungalow to a chalet-style bungalow including dormer windows to the front and rear roof slopes; the erection of a one and a half storey gabled extension to the eastern flank elevation and the erection of a gabled entrance feature to the front elevation.

The proposal can be broken down in three parts:

1. The key element is the raising of the ridge height of the bungalow by 1.45m and thereby the steepening of its roof pitches. The roof accommodation created would be served by dormer windows to both the front and rear roof slopes; a single flat roofed dormer to the rear and three smaller triangular dormers to the front.

2. The addition of a one and a half storey flank gabled extension to the eastern flank elevation measuring approximately 4.65m wide and 7.25m deep.

3. The addition of a front gable porch/main entrance feature to the northern elevation of the building.

The footprint of the existing bungalow amounts to 146.5m² and would increase to 179.9m². This represents an increase of 33.4m², equating to an increase of 22.7%.

The existing volume of the bungalow amounts to 557.95m³. The proposal would result in an overall increase to 858.4m³ which is a 54% increase.

RELEVANT HISTORY

- P0063.12 - Application to provide curtilage/garden for bungalow, which is the subject of Certificate of Lawfulness E0003.12.
Aprv with cons 07-12-2012
- E0003.12 - Certificate of lawfulness for an existing bungalow on agricultural small holding
PP not required 07-12-2012
- P0065.12 - Retention of building for use for rearing / breeding of ducks, geese and other fowl-
for production of eggs, hatchlings and stock
Awaiting Decision
- P0064.12 - 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
Refuse 16-03-2012
- E0002.11 - Certificate of Lawfulness for existing use of land as residential curtilage

Withdrawn 14-02-2013

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 13 neighbouring properties. No letters of objection were received.

RELEVANT POLICIES

LDF

DC45 - Appropriate Development in the Green Belt

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LDF

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.16 - Green Belt

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development would add 144 square metres to the gross internal floor area of the dwelling and is therefore liable for Mayoral CIL. The CIL liability would be £20 X 144 sq.m = £2,880.

STAFF COMMENTS

To determine this application the issues that require consideration are the principle of development, the impact of the proposal on the Green Belt, the design and impact on the streetscene and rear garden environment, the impact on neighbouring amenity and highways/parking issues.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 89 of the National Planning Policy Framework states that the extension or alteration of a building may be acceptable in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

Policy DC45 deals specifically with extensions to dwellings in the Green Belt and states that "Extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling".

GREEN BELT IMPLICATIONS

In this instance the existing dwelling has a volume of 557.95m³. The proposal would add an additional 300.45m³ to the existing dwelling, resulting in a total volume of 858.4m³ which is a 54% increase. This is in excess of what would normally be acceptable. Nonetheless, the written justification to the policy makes it clear that regard is to be had to the size of the original property and states that, in the case of small properties, it may be appropriate to permit more substantial extensions. This is, of course, subject to there being no harm to the Green Belt.

Given that the existing dwelling is a modest L-shaped bungalow with no previous extensions to the existing footprint Staff, therefore, conclude that, although the proposals would result in a more built-up appearance for the site compared with existing, this would not be excessive and the impact on the Green Belt would be within acceptable tolerances. Staff do recognise that this is a balanced decision and Members may feel that the changes to the roof and side addition may result in unacceptable harm to the openness of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development would have a significant impact on the character of the subject

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dwelling, transforming it in both design and size. The proposed extensions would result in a much larger and more prominent structure in the streetscene compared to the existing bungalow. Despite the changes to the size and design, Staff do not consider the proposal to result in an unacceptable visual impact to the streetscene. The dwelling is set back from the road, partly obscured by vegetation and would still have the visual appearance of a bungalow. Any harmful impact on the streetscene is considered acceptable.

IMPACT ON AMENITY

The property is approximately 195m removed from the closest residential dwelling and it is not considered that there would be any adverse impact on neighbouring amenity as a result of the proposed changes.

HIGHWAY/PARKING

There is currently the provision for the parking of a minimum of 5 vehicles on the property. No concerns are therefore raised in terms of parking. The proposal is not considered to raise any highway issues.

KEY ISSUES/CONCLUSIONS

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the proposed addition is small in footprint. No impact would result to neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC45A (Removal of permitted development rights) ENTER DETAIL

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 to F, nor shall any walls, fences or other means of enclosure be erected under Part 2, Class A, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

INFORMATIVES

1 Reason for Approval

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

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

2 Approval - No negotiation required

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

3 Approval and CIL (enter amount)

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be

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£2,880. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

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APPLICATION NO:	P0517.13	
WARD :	Romford Town	Date Received: 30th April 2013 Expiry Date: 30th July 2013
ADDRESS:	33, 37 & 41 Market Place Romford	
PROPOSAL:	Use of 33, 37 and 41 (part ground floor and first floor), Market Place, Romford for Class D2 (Gymnasium).	
DRAWING NO(S):	5610/204 Rev E 5610/210 Rev P 5610/210 Rev I	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The site comprises 1707sqm of space within three proposed, double storey retail units at the western end of the Market Place mixed use development. The retail units have yet to be completed internally, and the installation of glazing and doorways has yet to be completed. The development in which the retail units are located was originally granted planning consent in 2002, and is located at the northern side of Market Place, which is a conservation area.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of part of the ground floor areas, and all of the first floor area, of three retail units at the Market Place (Nos. 33, 37, and 41; also referred to as units 1-3 on the submitted plans.)

The units under consideration have yet to be fitted out and externally glazed. The two end units, once completed, would include customer lifts and stairways to their first floors, and two of the units would be served by a service lift to the rear. The gym operator intending to occupy the building would provide these access arrangements, along with the external glazing, in accordance with the extant planning permission for the overall development (planning permission P0849.00, as amended by planning permission P0166.03). The proposed stairwells and lifts providing access to the first floor gym would be physically separated from the ground floor retail units.

The proposal under consideration is purely for a change of use. The change of use would enable the afore mentioned access arrangements to be used to access the proposed gym, which would occupy the entire first floor of the three retail units, which would, when completed, become single storey units. The gym operator does not have any immediate plans to run classes for members, but this may change if there is a demand in future. It is anticipated that 500-700 members would visit the facility per week day, and around half this amount during the weekends.

RELEVANT HISTORY

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

P1325.11 - Amendment of condition 44 of P0166.03 (which is the subject of a minor amendment N0074.11 dated 9/1/2012) to refer to the final construction drawings for the redevelopment of the

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North side of the Market Place to agree the as built roof form of the development - Under consideration.

P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme.

P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 191 neighbouring occupiers. No representations have been received.

The following comments have been received:

Highways - No objections.

Environmental Health - No objections; conditions recommended.

RELEVANT POLICIES

Policy DC61 of the Core Strategy and Development Control Policies DPD ("the LDF")

MAYORAL CIL IMPLICATIONS

The proposal would not give rise to a payment under the Mayoral CIL Regulations.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, along with the impacts on visual and residential amenity and highway safety.

PRINCIPLE OF DEVELOPMENT

The approved use of the units, which are the subject of this application, has yet to be implemented and the building works completed. This application proposes the use of part of the ground floor and all of the first floor of the three retail units as a gymnasium (use class D2.) The proposed use is considered to be an appropriate town centre use, and acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposal would not result in any operational development that has not already been approved by separate planning consents. In terms of its visual impact, the proposal is considered to be in accordance with Policy DC61 of the LDF.

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IMPACT ON AMENITY

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

The proposal would be located on part of the first floor of the Market Place development, above which are residential units, which have yet to be completed and brought into use.

The submitted information states that the gym operator's usual operating hours are 0600-2300hrs. It is recommended that the operating hours of the proposal be limited to these hours by means of a condition, should consent be granted.

A noise report has been submitted with the application, which recommends the use of 20mm of insulating floor material to reduce the noise impact of weights being dropped in the free weights area. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of noise control conditions, which can be imposed should planning permission be granted.

Subject to the afore mentioned conditions, the proposal is considered to be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

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

The Council's Highway officers have raised no objections to the proposal. The site is located in a town centre location with abundant vehicle parking areas and public transport connections. It is considered that the proposal would not result in any significant adverse impacts on highway safety or amenity.

KEY ISSUES/CONCLUSIONS

Subject to the proposed conditions, the proposed development is considered to be acceptable having had regard to Policy DC61 of the LDF.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

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3. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 0600hrs and 2300hrs without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. Non Standard Condition 32

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

Reason: To prevent noise nuisance to adjoining/adjacent properties.

5. Non Standard Condition 40

Prior to the approved development being brought into use, any areas of the approved gymnasium in which free weights are to be used, shall be covered in their entirety with floor insulation comprising 12mm Everroll and an 8mm elastic sub-layer and retained as such for the life of the development.

Reason:-

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

6. Non Standard Condition 51

The premises shall only be used as a gymnasium and not for any other purpose.

Reason:-

To enable the local planning authority to assess the impacts of any future changes of use.

7. Non Standard Condition 52

With the exception of those involving the use of personalised headphones, no sound systems shall be operated at the premises between the hours 9pm-9am daily.

Reason:-

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

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives

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of Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

2 Approval following revision

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

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REGULATORY SERVICES COMMITTEE

27 June 2013

REPORT

Subject Heading:

P0424.13 – Shanks Waste Ltd, Creek Way

**Variation of Condition 14 of P0197.03-
to remove the geographical restriction
of the accepted waste sources, on a
temporary basis**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

Condition 14 of planning permission P0197.03 states that:

“Unless otherwise agreed in writing with the Local Planning Authority only wastes referred to within the East London Waste Authority IWMS contract shall be processed at the site.

Reason:-

To ensure that only locally generated wastes are processed in accordance with the proximity principle.”

This planning application proposes the variation of condition 14 to allow waste to be sourced from areas outside East London Waste Authority (ELWA) area, which is currently unable to supply enough waste to enable the facility to run at capacity.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 27 November 2003 in respect of planning permission P0197.03, which shall mean the legal agreement relates either to planning permission P0197.03 as originally granted, or planning permission P0424.13 as proposed and set out in this report.

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

Save for the variation set out above and any necessary consequential amendments to the Section 106 agreement dated 27 November 2003 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

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

1. The design flood defence level of 7.1m above ODN along the Thames frontage must be retained at all times.

Reason:-

To ensure flood defences are at the minimum design flood height to protect the developments constructed behind them.

2. An access strip at least 4 metres wide with unrestricted gate access, shall be maintained throughout the life of the site for the processing of waste under this planning permission to enable access to the Thames Tidal Defences from the end of Creek Way. The access strip shall be provided at all times from the commencement of the development.

Reason:-

This was a requirement of condition 2 of planning permission P0197.03 and continues to be considered a necessary requirement.

3. The details approved as part of condition 3 of planning permission P0197.03 shall be retained.

Reason:-

Condition 3 of planning permission P0197.03 required the approval and implementation of details relating to flood defences to safeguard the development and area from flood risk. The approved details should be retained.

4. The details approved as part of condition 4 of planning permission P0197.03 shall be retained.

Reason:-

Condition 4 of planning permission P0197.03 required the approval and implementation of details relating to drainage to prevent pollution of the water environment. The approved details should be retained.

5. The details approved as part of condition 5 of planning permission P0197.03 shall be retained.

Reason:-

Condition 5 of planning permission P0197.03 required the approval and implementation of details relating to drainage prevent pollution of the water environment. The approved details should be retained.

6. The details approved as part of condition 6 of planning permission P0197.03 shall be retained.

Reason:-

Condition 6 of planning permission P0197.03 required the approval and implementation of details relating to ecology, to enhance the ecological value of neighbouring watercourses. The approved details should be retained.

7. The 38 car parking spaces approved as part of condition 8 of planning permission P0197.03 shall continue to be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety as required by planning permission P0197.03.

8. The details approved as part of condition 9 of planning permission P0197.03 shall be retained.

Reason:-

Condition 9 of planning permission P0197.03 required the approval and implementation of details relating to cladding materials, to ensure that the proposed development has an acceptable visual impact. The approved details should be retained.

9. The details approved as part of condition 10 of planning permission P0197.03 shall be retained.

Reason:-

Condition 10 of planning permission P0197.03 required the approval and implementation of details relating to landscaping to ensure that the proposed development has an acceptable visual impact. The approved details should be retained.

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

Reason:-

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

11. The details approved as part of condition 13 of planning permission P0197.03 shall be retained.

Reason:-

Condition 13 of planning permission P0197.03 required the approval and implementation of details relating to security measures, for the purposes of designing out crime. The approved details should be retained.

12. Only wastes originating from within the East London Waste Authority IWMS contract shall be processed at the site, with the exceptions of:

- i) wastes originating from Tower Hamlets, up to a maximum of 25,000 tonnes per annum; and
- ii) wastes originating from the Bedford Borough and Central Bedfordshire Authority areas, up to a maximum of 58,000 tonnes per annum,

which may also be processed at the site for a period of 3 years from the date of this planning permission.

Reason:-

To ensure that only locally generated wastes are processed to the greatest extent possible in accordance with Policy W5 of the Joint Waste DPD for East London.

13. All access to the development hereby permitted shall be from Marsh Way via Creek Way. There shall be no access from Ferry Lane.

Reason:

Condition 16 of planning permission P0197.03 stipulates lorry routing in the interests of highway safety and amenity. This requirement continues to be necessary and should be retained.

14. The details approved as part of condition 17 of planning permission P0197.03 shall be retained.

Reason:

Condition 17 of planning permission P0197.03 required the approval and implementation of details relating to cycle storage, to ensure there are facilities available for sustainable modes of transport. The approved details should be retained.

15. Within one month of the date of this planning permission, a lorry routing scheme shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall detail the proposed lorry routing arrangements to be employed during the life of the development hereby approved, with Rainham Village and residential areas being avoided at all times. Once approved, the scheme shall be implemented forthwith and be retained for the life of the development.

Reason:

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

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of DC9, DC32, DC33, DC49, DC50, DC52, DC54, DC56, DC58, DC59, DC61, DC63, and DC72 of the LDF Core Strategy and Development

Control Policies Development Plan Document, the East London Joint Waste DPD, the London Plan, the National Planning Policy Framework.

Planning Obligations

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

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

Approval Following Revision

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

REPORT DETAIL

1. Site Description

- 1.1 The Site, which is designated in the LDF as a Strategic Industrial Location, is located within an existing industrial area to the south of Rainham Village. Parts of the site adjoin the River Thames, which is designated in the LDF as Metropolitan Sites of Nature Conservation Importance. The existing waste processing facility at the site is safeguarded under Schedule 1 of the East London Joint Waste DPD.

2. Description of Proposal

- 2.1 Planning permission P0197.03 granted approval for a materials recovery facility with a capacity of 180,000 tonnes per annum, and also a reuse and recycling centre with a capacity of 110,000 tonnes per annum. This retrospective planning application proposes the variation of condition 14 of planning permission P0197.03 to allow waste to be imported to the site from outside the ELWA area. Condition 14 states that:

“Unless otherwise agreed in writing with the Local Planning Authority only wastes referred to within the East London Waste Authority IWMS contract shall be processed at the site.

Reason:-

To ensure that only locally generated wastes are processed in accordance with the proximity principle.”

- 2.2 The submitted information states that insufficient waste is currently available within the ELWA area to enable the facility to run at capacity. It is therefore proposed that the shortfall be addressed by importing waste from the Bedford and Central Bedfordshire authority areas. The operator has contracts with these areas, one for 6 years and the other for 27 months, which commenced in October 2012. 58,000 tonnes per annum of waste are being imported to the facility from these areas. A further 25,000 tonnes per annum of waste are also being imported from Tower Hamlets, for which approval is also sought.

3. Relevant History

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

P0197.03 - (1) Change of use to waste Management facility, and (2) Erection of a biological materials recycling facility (Bio-MR2F) and RRC materials recycling facility – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 13 neighbouring properties. No representations have been received.

- 4.2 Comments have been received from the following consultees:

Highways – No objections.

5. Relevant Policies

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

DC9 Strategic Industrial Location
DC32 - Road Network
DC33 - Car Parking
DC49 Flood Risk
DC50 Sustainable Design and Construction
DC52 Water supply, drainage and quality
DC54 Contaminated Land
DC56 Light
DC58 - Biodiversity and Geodiversity
DC59 - Biodiversity in New Developments
DC61 - Urban Design
DC63 - Delivering Safer Places
DC72 – Planning Obligations

- 5.2 East London Joint Waste DPD (“the DPD”)

- 5.3 The London Plan
- 5.4 National Planning Policy Framework ("the NPPF")

6.1 Staff Comments

- 6.1.1 The main issues to consider as part of the assessment of this application are the impacts arising from the proposal to source waste from outside the ELWA area. In all other respects, the development would continue as already approved. Nevertheless, consideration will need to be given to the extent to which there have been significant changes of circumstances since planning permission P0197.03 was granted. Material changes to the local, regional, and national planning policies have occurred since this planning consent was considered and the originally approved scheme therefore needs to be considered in the light of these changes and any other material considerations.

6.2 Principle of Development

- 6.2.1 The proposal is for the variation of a condition relating to an extent planning consent. The site is a safeguarded waste facility under Schedule 1 of the DPD. It is considered that the use of the site as a waste facility continues to be acceptable in principle.

6.3 Planning Considerations

- 6.3.1 This planning application proposes a variation to condition 14 of planning permission P0197.03 to allow waste to be sourced from outside the ELWA area. This would enable the facility to run at capacity whilst insufficient waste is available within the ELWA area. The applicants have identified Bedford and Central Bedfordshire as areas that can supply waste for the facility whilst these areas make preparations to provide their own waste processing capacity. The application states that the proposal would result in an average of 230 tonnes of waste per day being transported to the site from outside the ELWA area, which would be equivalent to approximately 15 heavy goods vehicles traveling to and from the site per day. The proposal would not result in an increase in the potential number of vehicle movements visiting the site as the number of vehicles entering the site from outside ELWA could otherwise travel to the site from within the ELWA area.
- 6.3.2 Highway officers have raised no objections to the proposal. Whilst the proposed variation of condition 14 would result in less sustainable travel patterns, with some of the facility's waste being sourced from further afield, this would represent a relatively modest proportion of the facility's overall waste capacity (290,000 tonnes per annum) and would only be for a temporary period. It is recommended that planning permission be granted for a temporary period of three years, to encourage the operator to seek alternative waste sources that are either located within the ELWA area, or in closer proximity to the site than Bedfordshire. There is also an opportunity, as a new planning permission would be issued, to impose a planning condition requiring the approval of a lorry routing scheme to prevent HGV traffic passing through Rainham village and in close proximity to residential properties. This would diminish the impact of the proposal on amenity and highway safety in accordance with Policy DC61 of the LDF.

6.3.3 Whilst new planning policies have been adopted at the local, regional, and national levels since planning permission P0197.03 was granted, the proposal has been reconsidered in the light of the current planning policy context, and all other material considerations, and is considered to be acceptable in relation to highway safety, design and visual, amenity, flood risk, ecology, and other considerations. It is recommended that those conditions imposed on planning permission P0197.03 be employed in this instance, subject to their modification, as necessary, to reflect the current planning policy context and circumstances.

7. Conclusion

7.1 The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be acceptable having had regard to Policies DC9, DC32, DC33, DC49, DC50, DC52, DC54, DC56, DC58, DC59, DC61, DC63, and DC72 of the LDF, and all other material considerations, subject to the afore mentioned conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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REGULATORY SERVICES COMMITTEE

REPORT

27 June 2013

Subject Heading:

P0496.13 – Former Oldchurch Hospital, Waterloo Road, Romford (Date received 23/04/2013)

Proposal

Non Compliance with condition 2 of P1638.09 to enable minor amendments to the width and length of Block Y to meet the Homes and Communities Agency (HCA) Housing Quality Indicators relating to room and unit size to allow provision of Block Y units as affordable housing

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context

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

Financial summary

None

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

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 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

Planning permission for the residential redevelopment of the eastern end of the former Oldchurch Hospital Site was granted planning permission on 20th August 2010 following the completion of a S106 agreement and earlier consideration of the application by Regulatory Services Committee on 17th June 2010.

This application proposes a small amendment to the approved scheme involving the minor increase in the footprint of Block Y. It is also proposed that the tenure of the block would change with Block Y being delivered as affordable housing. As a result a variation of the S106 agreement is required so that it refers to this application. The change in the dimensions of Block Y are considered to be acceptable irrespective of the proposal by the applicant to construct Block Y for affordable housing.

It is recommended that planning permission be granted subject to the prior completion of a variation to the relevant S106 legal agreement.

RECOMMENDATIONS

That the Committee notes that the increase in floorspace as a result of the proposed amendment is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and the applicable charge would be £6,120. This is based upon an increase of 306m² in the gross internal floorspace.

That the Committee resolve that, the application is considered unacceptable as it stands but it would be acceptable subject to the prior completion of a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) of the original section 106 agreement of 19th August 2010 to secure the following:

1. That the definitions of "Planning Application" and "Planning Permission" in clause 1 of the original agreement dated 19th August 2010 (as varied by a Deed of Variation dated 20th April 2011) be varied to refer to this planning application and planning permission pursuant to this planning application in the alternative as appropriate whichever is implemented, and

The Developer and/or Owner shall bear the Council legal costs in respect of the preparation of the legal agreement irrespective of whether or not it is completed.

Save for the variations set out above and necessary consequential amendments the original Section 106 agreement dated 19th August 2010 (as varied by a Deed of Variation dated 20th April 2011) and all other recitals, headings and clauses of the said original Section 106 agreement dated 19th August 2010 (as varied by a Deed of Variation dated 20th April 2011) shall remain unchanged.

That staff be authorised to enter into a Deed of Variation to secure the above and upon completion the agreement, to grant planning permission subject to the following conditions:

1. Accordance with plans: The development shall not be carried out other than in complete accordance with the approved plans as detailed by planning permission ref P1638.09 as amended by the following plans and documents in part submitted pursuant to planning application reference P0496.13 : :

Site Plan - AA1167C 31 001 - Rev A
Ground Floor Plan - AA1167C/Block Y/2.1/050
First Floor Plan - AA1167C/Block Y/2.1/051
Second Floor Plan - AA1167C/Block Y/2.1/052
Third Floor Plan - AA1167C/Block Y/2.1/053
Fourth Floor Plan - AA1167C/Block Y/2.1/054
Fifth Floor Plan - AA1167C/Block Y/2.1/055
North Elevation - AA1167C/Block Y/2.1/060
South Elevation - AA1167C/Block Y/2.1/061
West and East Elevations - AA1167C/Block Y/2.1/062

Reason:

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

2. Submissions and Approvals

Any application or submission for any other approval required by any condition attached to this permission shall be made in writing to the Local Planning Authority and any approval shall be given in writing. Any approved works shall be carried out and retained thereafter in accordance with that approval.

Reason: To ensure that the Development is satisfactorily implemented in accordance with any approvals.

3. Phasing Strategy

The development shall be carried out in accordance with phasing plan 1W0315 01-08 unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that there is an appropriate phased sequence of development on the site.

2. Details of materials

Within 3 months of the commencement of each phase of development samples and details of all materials to be used in the external construction of the buildings and surfacing of all external areas comprised in that phase of development 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 that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. Boundary Treatment

Within 3 months of the date of this decision or before first residential occupation of any building within the current or any subsequent phase of the development, whichever is the earliest, details of treatment proposed for those parts of the boundaries comprised in that part of the application site including where appropriate, screen fencing and walling (adjacent to highways) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling unit within the phase of the development to which it relates and shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

4. Details of Replacement Gates

Within 3 months of the date of this decision, details of the proposed replacement gates or original gates for the original recessed pedestrian entrance on Oldchurch Road shall be submitted to and approved in writing by the Local Planning Authority. The design of the gates shall replicate the design of the historic gates which have now been removed

from site. The approved gates shall be installed in accordance with the agreed details prior to the completion of the second phase of the park and shall be permanently retained and maintained thereafter.

Reason: In the interests of visual amenity and recognition of the historic significance of the gates in accordance with Development Control Policies Development Plan Document Policies DC61 and DC67.

5. Public Area Lighting

The development shall be carried out in accordance with the drawings showing public lighting as submitted to and approved by the Local Planning Authority under condition discharge reference Q0180.11. With the exception of any areas that have become adopted highway, the lighting scheme shall be retained and kept fully operational at all times.

Reason: In the interests of highway safety, public amenity and nature conservation and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. Access Statement

The development shall be carried out in accordance with the Access Statement submitted to and approved by the Local Planning Authority under condition discharge reference Q0151.10.

Reason: In the interests of the amenities of future residents and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policy 7.2 of the London Plan and LDF Development Control Policies Development Plan Document Policy DC62.

7. Lifetime homes

All residential units hereby approved are to comply with Lifetime Homes Standards, as defined in the Joseph Rowntree Foundation (JRF) publication "Achieving Part M and Lifetime Home Standards April 1999" and the joint collaboration of JRF, Mayor of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG (Appendix 4 correct at March 2004),.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3.5 of the London Plan.

8. Wheelchair Accessibility

10% of new housing shall be designed to be wheelchair accessible or easily adaptable for such residents and shall be constructed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. The units will thereafter be maintained in accordance with the approved scheme.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with Development Control Policies Development Plan Document Policy DC7 and Policy 3.5 of the London Plan.

9. Secured By Design

The development shall be carried out in accordance with the Secured by Design Statement submitted to and approved by the Local Planning Authority under condition discharge reference Q0151.10.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in the NPPF, and policies CP17 of the LBH Core Strategy DPD and DC63 of the LBH Development Control Policies DPD, and Policy 7.3 of the London Plan.

10. CCTV

Within 3 months of the date of this decision in respect of Block Y and prior to the commencement of each subsequent phase of the development hereby permitted, a scheme showing details of CCTV to be installed for the safety of residents and visitors and the prevention of crime throughout shall be submitted to and approved in writing by the Local Planning Authority. The system shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units and thereafter, permanently retained and maintained.

Reason: In the interest of creating safer, sustainable communities and residential amenity, reflecting guidance set out in the NPPF, the London Plan Policy 7.13, and including Policy CP17 LBH Core Strategy DPD and Policy DC63 LBH Development Control Policies DPD.

11. Traffic Management Scheme

Within 3 months of the date of this decision a traffic management scheme for vehicles entering and leaving the development shall be submitted to and approved in writing by the Local Planning Authority. The traffic management scheme shall be implemented and complied with thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure that the interests of the travelling public and highway safety are maintained and to comply with policies CP10 of the Core Strategy DPD and DC32 of the Development Control Policies DPD.

12. Car Parking:

Car parking shall be provided in accordance with drawing AA1167c/3.1/E01 Rev M as approved by the Local Planning Authority under condition discharge reference Q0226.10. The area set aside for parking shall be laid out and surfaced in accordance with the approved details each phase prior to the occupation of the first dwelling in that phase of the development and retained permanently thereafter for the accommodation of vehicles and shall not be used for any other purpose.

Reason: To ensure car parking accommodation is permanently available for residents, visitors and disabled users in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC33.

14. Car Parking Secure By Design

The development shall be carried out in accordance with the Car Parking Secured by Design Statement submitted to and approved by the Local Planning Authority under condition discharge reference Q0151.10.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in the NPPF, and policies CP17 of the LBH Core Strategy DPD and DC63 of the LBH Development Control Policies DPD, and Policy 7.13 of the London Plan.

15. Car Parking Management Scheme

Within 3 months of the date of this decision a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The car parking management scheme shall include details of:

- a) Measures to control access to parking on the site;
- b) Measures to enforce parking controls.

The car parking control measures approved under this condition will be retained and managed thereafter in accordance with the car parking management scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent unauthorised parking on the site in the interests of highway safety and to ensure that car parking accommodation is made permanently available for residents, visitors and disabled users in accordance with Development Control Policies DPD Policy DC33.

16. Cycle Storage

Within 3 months of the date of this decision details of the secure cycle storage for the development and on street provision for visitors shall be submitted to and approved in writing by the Local Planning Authority. Cycle storage facilities shall be provided in accordance with the approved details for each phase prior to the occupation of the first dwelling in that phase of the development. Such facilities shall be permanently retained and made available for residents and visitors use, as appropriate, thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys in accordance with Development Control Policies Development Plan Document Policy DC35.

17. Electric Charge Points

Electric Charge Points shall be provided in accordance with drawing 6046-CS-201 Rev E as approved by the Local Planning Authority under condition discharge reference Q0180.11.

Reason: In order to ensure that the development adequately incorporates measures to enable the use of electric vehicles by occupiers.

18. Hard landscaping

The development shall be carried out in accordance with the hard landscaping plans submitted to and approved by the Local Planning Authority under condition discharge reference Q0133.12 and shall be permanently retained and maintained thereafter 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 to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

19. Soft landscaping:

The development shall be carried out in accordance with the landscaping plans submitted to and approved by the Local Planning Authority under condition discharge references Q0107.11 and Q0133.12. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same or approximately the same place. Within 3 months

of the commencement of each future Phase of the development, a scheme of soft landscaping and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted and the approved scheme shall be undertaken in accordance with the timetable approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub of the same species and size to that originally planted shall be planted at the same or approximately the same place.

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.

20. Protection of Preserved Trees

The scheme for the protection of preserved trees on the site submitted to and approved by the Local Planning Authority under condition discharge reference Q0226.10 shall be implemented and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order in accordance with Development Control Policies Development Plan Document Policy DC60.

21. Landscape management plan

The development shall be carried out in accordance with the Landscape Management Plan and Biodiversity Management Plans submitted to and approved by the Local Planning Authority under condition discharge reference Q0133.12 and shall be adhered to thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect, enhance and conserve the natural features and character of the area and new areas of landscaping and to accord with Development Control Policies Development Plan Document Policy DC59 and DC61.

22. Sustainability Statement:

Prior to the commencement of development of any Phase of the development the developer shall provide a copy of the Interim Code Certificate confirming that the design of that Phase of development achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before that Phase of development is first occupied, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority to demonstrate that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Development Control Policies Development Plan Document Policy DC49, the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan Policies as set out in chapter 5.

23. Energy Statement:

The renewable energy systems that have been installed shall be operated and maintained in full accordance with the agreed Energy Strategy and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 Renewable Energy and Policies 5.2 and 5.7 of the London Plan.

24. Fire hydrants:

The fire hydrants shall be installed in accordance with the plans submitted to and approved by the Local Planning Authority under condition discharge reference Q0107.11 and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

25. Fire brigade access

Fire Brigade access shall be provided in accordance with the plans submitted to and approved by the Local Planning Authority under condition discharge reference Q0107.11. First residential occupation of each Phase of the development hereby approved shall not take place until the approved scheme for that part of the fire brigade access has been implemented.

Reason: To ensure that adequate access for fire brigade purposes is made available in the interests of safety.

26. Sound attenuation

The building(s) shall be so constructed as to provide sound attenuation of no less than 45dB(A) against airborne noise and 62dB(A) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Notes 24 Planning and Noise and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

27. Plant and machinery

Within 3 months of the date of this decision and within 3 months of the commencement of each subsequent phase a scheme for any new plant or machinery, including any energy centre as appropriate, in the development or that phase shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB. Such plant and machinery as approved shall be installed in accordance with the agreed details and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 23 'Planning and Noise' and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

28. Noise transmission control

Within 3 months of the date of this decision and within 3 months of the commencement of each subsequent phase a scheme detailing those measures which are to be employed to protect occupants of the current and subsequent phases of the development from road traffic noise, in accordance with the Road Noise Impact Assessment approved under condition discharge application Q0186.10 shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect the amenity of occupiers of nearby premises in accordance with the recommendations of the NPPF and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

29. Drainage Strategy

The development shall be implemented in accordance with the drainage strategy submitted to and approved by the Local Planning Authority under condition discharge reference Q0186.10. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the relevant phase of the strategy have been completed and all requisite permissions, licences and authorities are in place.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

30. Drainage scheme

The development shall be implemented in accordance with the surface water drainage scheme for the site submitted to and approved by the Local Planning Authority under condition discharge reference Q0186.10.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

31. Infiltration

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

Reason: To ensure protection of controlled waters.

32. Refuse storage

The development shall be implemented in accordance with the details of the storage of refuse and recycling awaiting collection submitted to and approved by the Local Planning Authority under condition discharge reference Q0180.11. The measures shall be retained thereafter.

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

33. Delivery and servicing

The development shall be implemented in accordance with the phased Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) submitted to and approved by the Local Planning Authority under condition discharge reference Q0151.10. Details of the location and means of delivery and servicing for residential units for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority within 3 months of this decision in relation to existing and current phases of the development and within 3 months of the commencement of development for future phases and such facilities shall be provided in accordance with the approved details prior to the first occupation of the current and future phases of the development. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: In the interests of highway safety.

34. Construction methodology

The development shall be implemented in accordance Construction Management Plan submitted to and approved by the Local Planning Authority under condition discharge reference Q0151.10. Details of the

- a) Parking of vehicles of site personnel and visitors;
- b) Areas hardened to enable the loading and unloading of plant and materials;
- c) Storage of plant and materials, including stockpiles of crushed concrete;

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of subsequent phases of the development and the development shall thereafter be carried out in accordance with the further approved details.

Reason: To protect residential amenity and to ensure the works are carried out in such a way to avoid, remedy or mitigate adverse effects and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

35. 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 otherwise agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity.

36. Wheel washing

The details of wheel washing facilities submitted to and approved by the Local Planning Authority under condition discharge reference Q0151.10 shall be retained without interruption and used at relevant entrances to the site from the inception of any development activity including site preparation, demolition and 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 and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

37. Contamination assessment and remediation scheme

A Validation and Verification Report and necessary certificates must be submitted demonstrating that the remediation scheme submitted to and approved by the Local Planning Authority under condition discharge reference Q0186.10 have been carried out satisfactorily and remediation targets have been achieved.

In the case of imported topsoil, details and a soil assay need to be submitted to and approved by the Local Planning Authority prior to deposition for any phase of the development.

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

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.

38. Art Work

Prior to the occupation of 246 dwellings, a scheme for one or more pieces of art work shall be submitted to the Council for approval. The

scheme must be carried out prior to the first occupation of more than 362 dwellings.

Reason: To enhance the features of the area and in order that the development accords with Development Control Policies Development Plan Document Policies DC25.

INFORMATIVES

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

2. The developer, their representatives and contractors are advised that this planning permission 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.

3. Planning Obligations

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

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

REASON FOR APPROVAL:

The detailed layout, design and impact of the development has been considered against policies of the LDF, the London Plan and relevant Planning Policy Statements and have been found to be acceptable in all of these respects.

In all other respects the proposal is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP2,, CP7, CP8, CP10,, CP15, CP 16, CP17, DC2, DC3, DC6, DC7, DC21, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC53, DC61, DC62, DC63 and DC66 of the Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in

accordance with NPPF and Policies 3.5, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 6.9, 6.13, 7.3, 7.4, 7.6 and 8.2 of the London Plan.

REPORT DETAIL

1.0 Site Description and Background

- 1.1 The site of the former Oldchurch Hospital is located at the junction of Oldchurch Road and Waterloo Road. The planning application to which an amendment is sought relates to the western part of the overall site and has an area of 3.41 hectares. The permission has been partially implemented and the two blocks on the northern part of the site have been completed and the northern half of the new park delivered. Work has commenced on the easternmost block of the central section of the redevelopment (Block Y) containing 51 dwelling units.
- 1.2 A footway and cycleway has been constructed close to the eastern boundary of the site (Waterloo Road) which provides a pedestrian route from the key worker housing to the existing footway in Oldchurch Road and Waterloo Road close to the roundabout. To the immediate north of the site flatted key worker housing has been constructed on the northern side of a new road (Union Road) and beyond that lays the main railway line between Romford and London Liverpool Street. To the south and east there are terraced two storey residential properties fronting Oldchurch Road and Waterloo Road, with a flatted development of up to five storeys at the corner of Oldchurch Road and Rom Valley Way.
- 1.3 Planning permission was granted on 20th August 2010 (ref.P1638.09) for the residential development of 493 units 6 storeys in height.
- 1.3 The application is made under Section 73 of the Town and Country Planning Act 1990 to vary the condition which requires that the development proposals are constructed in accordance with approved plans. Should planning permission be granted a second parallel planning permission is created under planning reference P0685.12 subject to completion of a Deed of Variation of the original planning agreement. The variation of the accordance with plans condition would affect the central Block Y

2.0 Description of Proposal:

- 2.1 Planning permission is sought for an amendment to the permitted scheme for the redevelopment of the site which is currently being implemented.
- 2.2 The original planning permission ref: P1638.09 was based upon plans which pre-dated the current Mayor for London minimum space standards as set out in the London Plan 2011 and was also based upon a scheme which was predominantly for market housing. Subsequent arrangements between the

applicant and the developers of the western end of the former hospital site resulted in the small proportion of affordable housing that was originally to be provided being delivered as part of the development at the western end of the site. The original S106 agreement was varied to reflect this. Subsequently the applicants have come to an agreement with a Registered Affordable Housing Provider who intends to purchase the whole of Block Y (51 units) as affordable housing. In order to be eligible for grant funding Block Y has to meet the Mayor's minimum space standards and the HCA's housing quality indicators regarding room and unit areas which requires a small change to the footprint of the building. It should be noted that irrespective of the applicant's intention to provide Block Y for affordable housing and the HCA accommodation standards for affordable housing the proposed changes to Block Y are acceptable in planning terms.

- 2.3 The increase in footprint is 51m² and is achieved by an increase of 300mm on each outer face of the building i.e an overall increase from a width of 13.1m to 13.7m and a length of 61.7m to 62.3m. No increase in height is proposed and there are no changes to the external elevations.

3. **Relevant History**

- 3.1 There is an extensive history relating to the function of the site as a Hospital but the most relevant history to this application is:

P1635.04 Outline planning application for residential development (key workers and general housing) – Approved

P2103.06 Submission of reserved matters, condition 1 of application P1635.04 landscaping (key workers) – Approved

P1837.07 Reserved matters application 1 – Blocks 9, 10,11,12,13 & 14. Newbuild residential units and car parking pursuant to outline planning permission P1635.04 – Withdrawn

P2485.07 Reserved matters application 1 – blocks 9, 10, 11, 12, 13 & 14. 502 new build residential units and car parking pursuant to outline planning permission P1635.04 - Approved

Z0006.09 - Request for screening opinion for 500 residential units and associated parking/landscaping – EIA not required

P1638.09 - Redevelopment of the former Oldchurch Hospital to provide 493 residential units, an energy centre, a local park, car parking, access and internal roads and hard and soft landscaping.- Approved

4. **Consultations and Representations:**

- 4.1 Consultees and 9 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press. No objections have been received.

Consultee Responses

Environmental Health – No new comments

LFEPA (Access) – Are satisfied with the proposal.

Thames Water – No comments

Borough Crime Prevention Design Advisor – No new comments

Streetcare (Highways) – No objections

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011. Havering Supplementary Planning Documents on Residential Design, Sustainable Design and Construction and Designing Safer Places are material planning considerations.
- 5.2 Policies DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC21 (Major Development and Open Space, Recreation and Leisure), DC33 (Car Parking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places) of Local Development Framework Development Control Policies Development Plan Document are also material planning considerations.
- 5.3 The London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 6.9 (cycling), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), and 8.2 (planning obligations).
- 5.4 The National Planning Policy Framework is a further material considerations.

6. Staff Comments

- 6.1 The issues to be considered are the principle of development, street scene implications, historic building considerations, provision of open space, affordable housing provision, the effect of the development on the

surrounding area, including residential amenity, health and safety implications, secured by design issues and car and cycle parking provision.

6.2 Principle of development

6.2.1 The principle of the redevelopment of the site for residential purposes has been established by the grant of full planning permission under ref P1638.09. The extent of the non-compliance with the approved plans is limited to that set out in the application and no objection is therefore raised in principle to the application.

6.3 Design and, Layout Considerations

6.3.1 The proposed changes to footprint of Block Y are very small and can be accommodated within the site without any consequential changes to the design and layout of the overall scheme as originally approved. Visually the design of the block is unaltered and the slight increase in size is of such modest proportions as to be virtually imperceptible from all vantage points.

6.5 Other Considerations

6.5.1 The proposed changes to the footprint of the block arise from the proposed changed tenure of the block which is now being delivered for a Housing Association and their requirement that room and unit sizes meet the necessary standards in order to be grant eligible. The change to affordable housing is not a policy requirement but the Council are to receive their normal nomination rights under the nomination agreement that has been negotiated. These matters have been achieved outside of the S106 agreement and staff do not consider there to be any requirement to bring the affordable housing that is now being provided back into the 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 applicable charge is based on an increase in the internal gross floor area of 306 square metres which equates to a Mayoral CIL payment of £6,120.

7.2 As work on Block Y has already commenced it will not be possible for the developer to make an application for social housing relief.

7. Conclusions

7.1 Staff are satisfied that the proposed changes to Block Y proposed are minor in scale and inconsequential in terms of its design and appearance with no perceptible impact upon the overall development.

- 7.2 Should members agree with this conclusion, it is recommended that planning permission be granted subject to the prior completion of a deed of variation to the relevant S106 legal agreement so that it reflects this application.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications to the Council.

Legal implications and risks:

This application needs to be subject to the same Section 106 planning requirements as the original development and a variation to that obligation to make it applicable to this application is required. This will need to be finalised and signed prior to the issue of the planning permission.

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

The Council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues. Block Y incorporates units which are designed for wheelchair use or which are easily adapted for such use.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

27 June 2013

Subject Heading:

**P0621.13 – 106 Hilldene Avenue,
Romford**

**Change of use from A1 to A5 and new
rear external extract duct.**

(Application received 17th May 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	[]
Championing education and learning for all	[X]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct. The planning issues are set out in the

report below and cover issues relating to the loss of retail space, impact on amenity and the design and appearance of the extractor flue. Staff consider the proposal to be acceptable.

RECOMMENDATIONS

That subject to the expiration of the consultation period on 5th July 2013 and any consultation responses received raising no new material considerations other than those already considered by Committee, it is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution:

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

Reason:

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

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

Reason:

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

3) Flue details: Before any of the development hereby permitted is commenced, details of the colour and finish of the flue shall be submitted to and approved in writing by the Local Planning Authority and thereafter the flue shall be constructed with the approved materials.

Reason:

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

4) Hours of Use: The take-away use hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 09:00 hours and 23:00 hours on Mondays to Saturdays, and 9:00 hours and 21:00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:

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

5) Storage of refuse: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. The approved details shall be implemented and retained for the life of the development

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.

6) Insulation scheme: Before the use commences, the premises shall be insulated in accordance with a scheme which shall previously have been approved in writing by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason:

To prevent noise and odour nuisance to adjoining properties.

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

Reason:

To prevent noise nuisance to adjoining/adjacent properties.

8) Remove or disperse odours: Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the

Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reasons:

To protect the amenity of occupiers of nearby premises.

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

Reason:

To protect the amenity of occupiers of nearby premises

10) Construction hours and deliveries: 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.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP4, DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 2.15, 4.7 and 4.8 of the London Plan and the National Planning Policy Framework (NPPF).

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 dwelling house, is needed.

Approval - No negotiation required

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

REPORT DETAIL

1. Site Description

- 1.1 The site is located on the ground floor of a 4-storey terraced property on the south side of Hilldene Avenue. The parade forms part of the Harold Hill Minor District Centre. The application site (ground floor unit) is currently vacant but was last used as a retail shop and the first, second and third floors are in residential use.

2. Description of Proposal

- 2.1 This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct.
- 2.2 The proposed rear duct would run up the building attached to an existing refuse chute. The termination of the extract duct discharge would be approximately 1m above the top of the brick refuse chute.

3. Relevant History

- 3.1 P0693.98 - Sub division of bank in order to restore No. 106 Hilldene Avenue to self-contained shop unit and relocation of ATM - Approved
- 3.2 P1945.07 - Change of use from clothes shop to an art and tattooist - Refused
- 3.3 P0076.08 - Change of use from a clothes shop to a retail art shop and tattooist - Approved

4. Consultations/Representations

- 4.1 A site notice and a press advertisement have been displayed and the expiry date for these is 5th July 2013. Neighbour notification letters have also been sent to 67 local addresses. No letters of objection were received at the time of writing this report.
- 4.2 The Highways Authority has stated that the site has no parking spaces but is situated in close proximity to a 'Pay & Display' car park and has therefore no objection to the proposal.
- 4.3 Environmental Health was consulted and recommends various conditions in the event of an approval.

5. Relevant Policies

- 5.1 Policies CP4 (Town Centres), DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents.
- 5.2 Policies 2.15 (Town Centres), 4.7 (Retail and town centre development) and 4.8 (Supporting a successful and diverse retail sector) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF).

6. **Mayoral CIL Implications**

- 6.1 The proposal would not result in an increase to the floor area and is therefore not CIL liable.

7. **Staff Comments**

- 7.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council.

7.2 Principle of Development

- 7.2.1 The application site falls within the Harold Hill Minor District Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted throughout the retail core where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) within the retail core, the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length, and
- (d) an active frontage is maintained and the use is open for a significant number of core retailing hours.

- 7.2.2 In the retail core the policy seeks to restrict the number of non-retail uses and also to prevent their grouping, as this could interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole. It is important however that proposed uses compliment and consolidate the district centre's retail function.

- 7.2.3 In this instance the relevant frontage would be considered as Nos. 94 to 120 Hilldene Avenue. At present, this parade consists of mostly retail uses with the only unit not in retail use being No. 116 (A2), 102/104 (A2) and 120 (A2).

- 7.2.4 The proposal is also in accordance with the provisions of Policy DC16 in that the proposal would not result in three adjoining non-retail uses. The proposal would result in a 35% non-retail use to this parade of shops. Although this would result in the relevant frontage exceeding 33% of non-retail uses, the excess is of such a small nature that it would be unreasonable to recommend refusal on this basis alone.

7.2.5 It is considered that the proposed use would provide a service appropriate to a shopping area and is therefore appropriate development within a retail core of a Minor District Centre. The purpose of the retail core area is to protect primary shopping frontages. Although in this instance the proposed use would not be retail it would provide a service, create a footfall and generally contribute to the vitality of the centre. It should further be noted that the proposal has an active frontage, is open during shopping hours and is not considered to significantly harm the character, function and vitality and viability of the centre.

7.2.6 For these reasons Staff consider the proposal to be acceptable in principle.

7.3 Design and Impact on Local Character and Street Scene

7.3.1 The proposal would involve no alterations to the external appearance of the building and would therefore pose no adverse or detrimental issues to the character of the street scene. The flue proposed to the rear is considered acceptable in the rear service yard environment and would not have an unacceptable impact on visual amenity due to the commercial nature of the rear of the building.

7.4 Impact on Amenity

7.4.1 Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

7.4.2 With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that some residential properties are located on the upper floors of the parade

7.4.3 The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. Any potential impact on residential is therefore considered acceptable.

7.4.4 The applicant has requested opening hour from 12:00 to 00:00 Monday to Sunday and on Public Holidays. Given that there are no other take-away within this parade Staff are proposing opening hours from 09:00 to 23:00 Monday to Saturday and 09:00 to 21:30 on Sundays and Bank Holidays. It is considered that these opening hours would be reasonable and would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located within a town centre environment with arguably higher ambient noise levels throughout the week.

7.4.6 Staff consider the extract flue to the rear to be acceptable and suitable conditions would be attached in respect of odour and noise.

7.5 Highways / Parking Issues

7.5.1 Highways have no objections to the proposal as the premises is situated in close proximity to a 'Pay & Display' car park. Staff do not consider the lack of on-site car parking to be unacceptable given the Town Centre location and the existing parking situation.

8. Conclusion

8.1 The proposed change of use and provision of flue is considered to be in accordance with the aims, objectives and provisions of Policies CP4, DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 2.15, 4.7 and 4.8 of the London Plan and the National Planning Policy Framework (NPPF). Subject to there being no adverse comments from consultees or the general public, and the aforementioned conditions, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues.

Legal implications and risks:

The application site comprises land which is in Council ownership

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application forms and plans received on 17th May 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

27 June 2013

Subject Heading:

**P0179.13 – Garage court to the rear of
23-31 Victory Way, Romford**

The erection of 5 no. 3 bed houses.

**(Application received 26th February
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 []
- Championing education and learning for all []
- Providing economic, social and cultural activity in thriving towns
and villages [X]
- Value and enhance the life of our residents [X]
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

This application relates to a garage court previously owned by the Council and granted planning permission for 5 no. 3 bed houses at the Regulatory Services Committee of 4 October 2012. The application proposes the erection of 2 No. two-

storey semi-detached dwellings and 3 no. terraced dwellings with associated parking. The current proposal differs from the previous approval in that an increase in depth and loft conversion is proposed to the semi-detached pair of dwellings. The loft conversion would result in a slight increase in roof height and the addition of 2 no. front dormer windows. The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the changes to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 529.7m² and amounts to £10594.

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

- A financial contribution of £30,000 to be used towards infrastructure costs.
- 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 in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer / Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason:

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

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

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 x No. off-street car parking spaces as shown on the approved plan No. 8730-1000 Revision C and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

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

Reason:

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

6) Standard flank wall 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.

7) Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows at first floor serving bathrooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

11) Highways Licence Agreement: 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.

12) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and

shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

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

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

Reason:

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

14) Ground 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;

- (1) a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

- (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a ‘Verification Report’ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason:

To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”), no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

16) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local

Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

17) Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining properties.

18) Archaeological Investigation: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason:-

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

19) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings on Plot 1, Plot 2, Plot 3, Plot 4 and Plot 5. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

20) Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

21) Turning Area: Before the building (s) hereby permitted is first occupied the turning area shall be made available for use and thereafter kept free from obstruction.

Reason:

In the interest of highway safety.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC3, DC33, DC35, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.8, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF).

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. 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. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £10594. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

4. Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 6. The developer, their representatives and contractors are advised that planning permission 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.
 7. The applicant 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.
 8. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 9. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
 10. The development of this site is likely to damage archaeological remains. The applicant should, therefore, submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage Guidelines.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a former garage court located to the rear of 23-31 Victory Way. The site is currently covered in hard standing with all the previous garages demolished.
- 1.2 The site for residential development is approximately 1325.8 square metres in size. There are no significant changes in ground level. The site is surrounded on all sides by the gardens of adjacent residential properties on Victory Way, Rodney Way and Valiant Close. None of these properties have access to the garage court. The site is currently enclosed with palisade fencing.
- 1.3 Development in the vicinity is characterised by 2-storey residential dwellings. These surrounding properties have a mixture of brick and rendered finishes.

2. Description of Proposal

- 2.1 The application proposes the erection of 2 No. two-storey semi-detached dwellings (plot 1 and 2) and 3 No. terraced dwellings (plot 3, 4 and 5) with associated parking and amenity.
- 2.2 The semi-detached pair is set to the northern portion of the site. The terraced dwellings are set to the south. Between these dwellings in the centre of the site are 8 parking spaces, set around a turning area, pedestrian paths and soft landscaping framing each dwelling. Two more parking spaces are located to the north of the site. Each dwelling will have 2 parking spaces.
- 2.3 The semi-detached two storey dwellings measure a total of 11m wide, 10.95m deep, 5.1m high to the eaves and 8.8m high to the top of the gable ended roof. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are two bedrooms, study, bathroom and an en-suite bathroom.
- 2.4 The applicant also proposes to utilise the loft space for a bedroom and en-suite bathroom. The loft conversion would result in the addition of two dormer windows to the north-western roof slope. The dormers would measure 1.63m in width, 3m in depth and 2.1m in height to the top of the dual pitched roofs.
- 2.5 The terrace dwellings measure a total of 16.4m wide, 9.5m deep, 4.7m high to the eaves and 8.2m high to the ridge. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom.

- 2.6 Access to the dwellings is via the existing garage court access between 31-33 Victory Way which would be retained as a shared surface road (for pedestrians and vehicles).
- 2.7 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear and side, enclosed by a 1.8m timber fence. Plot 1 has an amenity space covering 101.2 square metres, plot 2 an amenity area of 93.2 square metres, plot 3 an amenity area of 100.0 square metres, plot 4 an amenity area of 71.1 square metres and plot 5 an amenity area of 49.5 square metres.

3. Relevant History

- 3.1 P0928.12 - Erection of 5 no. 3 bed houses – Approved.
- 3.2 P0149.06 - To erect 3m galvanised palisade fence with gates - Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 20 neighbouring properties and three letters were received of which one was an objection. It should however be noted that the objections relating to loss of light, overlooking and close proximity to the boundary of neighbouring occupiers have all been dealt with under the previous application. Any impact resulting from the changes proposed to the original approved scheme would be assessed in the report.
- 4.2 The Council's Environmental Health Service requested a contamination condition. Environmental Health Service also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals, however requested that the access road be made shared, crossover slightly extended and the bin collection point relocated to the dwelling end of the access road. The applicant has taken the comments on board and submitted revised plans.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.
- 4.5 English Heritage requested a condition securing the implementation of a programme of archaeological works as there may be significant archaeology remains on site.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies

Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 The current proposal is a resubmission of a previous approval under application P0928.12 that was presented to the Regulatory Services Committee on 4 October 2012. The current proposal differs from the previous submission in that the depth of the semi-detached pair has increased from 9.6m to 10.95m and the height has increased from 8.65m to 8.8m. The current proposal is also introducing a loft conversion with 2 no. dual pitched roof dormer windows to the north-west roof slope. Other changes include minor changes to the elevations and pathways. No changes are proposed to the dimensions of the 3 no. terraced dwellings, as previously approved.
- 6.2 The main issues to be considered by Members in this case are whether the proposed changes would have an unacceptable impact on the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.3 Principle of Development
 - 6.3.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
 - 6.3.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 86sq.m for a 3-bed 5-person dwelling. The proposed dwellings have a minimum internal floor space of 87.5sq.m which is in line with the recommended guidance and considered acceptable.

6.3.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.4 Site Layout / Amenity Space

6.4.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.2 Each dwelling has a private area of amenity space provided to the side/ rear of the dwellings. Plot 1 has an amenity space covering 101.2 square metres, plot 2 an amenity area of 93.2 square metres, plot 3 an amenity area of 100.0 square metres, plot 4 an amenity area of 71.1 square metres and plot 5 an amenity area of 49.5 square metres. The amenity spaces are directly accessible from the living rooms of all dwellings, and are provided in single enclosed blocks. In all, they are considered to accord with the SPD for residential design.

6.4.3 Although the proposed addition of a pathway to the rear gardens of plot 4 and 5 would result in a reduction in amenity space, Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwellings would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.4.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 38 units per hectare. The density is in line with the recommended range it is considered acceptable.

6.4.5 There are no longer prescribed back to back distances between properties. However, plot 3, 4 and 5 would have a back to back distance of approximately 20m to the nearest residential property at No. 5 Valiant Close. To the east there would be a side to rear separation distance of approximately 14m to the rear of No. 25 Victory Way. The amenity space provided for Plot 2 would border No. 12 Rodney Way with a separation distance of 5.7m between dwellings. Plot 1 would have a separation distance of 13.4m between this dwelling and that of No.14 Rodney Way.

The orientation of these dwellings are so that they face onto their respective rear gardens and onto the shared parking court. In all, the layout of the dwellings is considered acceptable and would acceptably integrate into the locality.

6.4.6 The proposed increase in footprint to the semi-detached pair of dwellings is not considered to result in an unacceptable impact on the density or overall layout as there would remain sufficient distances between the proposed dwelling and its boundaries.

6.5 Impact on Local Character and Street Scene

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

6.5.2 The surrounding area has no prevailing architectural style, but there is an established pattern of development with defined building frontages and heights, two storeys with pitched roofs. The proposed dwellings would be set behind the frontage properties of Victory Way and would not be visible as part of this streetscene due to their set back location. The semi-detached pair would be visible from Rodney Way, however any potential impact is considered acceptable given the 20m setback and matching design features to that of properties along Rodney Way

6.5.3 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached and terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5.4 The proposed dormer windows would be visible from Rodney Way. The proposed windows are not considered to have an unacceptable impact on the streetscene as they are of modest width and height and meet the design criteria for front dormer windows. The increase in roof height of 150-200mm is considered minor and acceptable as the semi-detached pair would be set back from Rodney Way and would only have a limited visual impact on the streetscene.

6.6 Impact on Amenity

- 6.6.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.6.2 The semi-detached pair of dwellings is situated approximately 3.2m from the common boundary of the nearest dwelling at No. 12 Rodney Way resulting in a separation distance of approximately 5.7m between the semi-detached pair and this dwelling. Although the rear building line of the proposed dwellings would be set further back than that of this neighbour, the separation distance and angle of the proposed semi-detached pair of dwellings would mitigate any potential impact. The increase in depth would also be mitigated by the separation depth and the angle in relation to neighbouring properties and is not considered to result in an unacceptable impact on neighbouring amenity. A condition would be imposed on the flank windows proposed at first floor to have these bathroom windows obscure glazed and fixed shut. Any potential overlooking from the ground floor flank window would be mitigated by a high timber fence. To the north, east and south a sufficient distance remain between the proposed semi-detached pair so as to not result in a harmful impact on the amenity of these properties. The only first floor flank windows would be that to bathrooms and would be conditioned to be obscure glazed.
- 6.6.3 The current proposal is introducing dormer windows to the northwest roofslope. Staff do not consider these windows to result in an unacceptable impact in terms of overlooking as the angle of the semi-detached pair in relation to the dwelling at No. 12 Rodney Way would mitigate any overlooking. Also, it should be noted that windows at first floor were previously approved to the north-western elevation. The proposed windows in the loft would therefore have a negligible impact over and above the scheme approved under P0928.12. The increase in roof height of approximately 150-200mm is also not considered to result in an unacceptable impact on neighbouring amenity as the new development is sufficiently set off the boundaries with the neighbouring properties.
- 6.6.4 The proposed terraced properties would have a back to back distance of approximately 20m to the nearest residential property at No. 5 Valiant Close. To the east there would be a side to rear separation distance of approximately 14m to the rear of No. 25 Victory Way. Staff consider the separation distances to be sufficient not to cause detrimental harm to neighbouring amenity. No. 5 Valiant Close is also situated at an angle to the terraced properties and would limit any direct overlooking to the rear windows. The flank windows at first floor serving bathrooms would be conditioned to be obscure glazed to limit any potential for overlooking.
- 6.6.4 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed semi-detached and terraced dwellings.
- 6.6.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 5 x 3-bed dwellings would not give rise to a significant

increase in the level of vehicular activity over and above that which was previously experienced as a result of the garages that were on the site before.

- 6.6.6 In terms of general noise and disturbance, it is not considered that the addition of 5 x No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.6.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.6.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.7 Highways / Parking Issues

- 6.7.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 10 x No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.7.2 The site is currently vacant and there is therefore no need to displace garage tenants to another garage site.
- 6.7.3 A condition would be added to provide storage for 1 x no. cycle space per dwelling in order to comply with the Council's standards.
- 6.7.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.
- 6.7.5 The proposed access has a width of approximately 3.9m. Although the narrow width would only allow one vehicle to enter or exit at any given time, Staff do not consider this to be sufficient reason to refuse the scheme given that the same scenario existed for the former garage site.

6.8 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as there are no structures currently on site. The applicable fee is based on a combined internal gross floor area for the five dwellings of 529.7m² and amounts to £10594.

6.8. Planning Obligations

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £30,000.

6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. A bin collection point would be provided within the access road approximately 20m from Victory Way and 14.5m from the front of the proposed semi-detached pair.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

BACKGROUND PAPERS

Application forms and plans received on 26th July 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

27 June 2013

Subject Heading:

P1555.12 – Spring Farm Park, Lambs Lane North, Rainham

Cricket nets enclosure to existing batting, coaching and practice area with sub base, matting and gates (Application received 4th March 2013)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a cricket nets enclosure to an existing batting, coaching and practice area with sub base, matting and gates. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

Reason for Approval

The proposal is considered to accord with the aims and objectives of Policies CP7, CP17, DC18 and DC61 of the LDF Development Core Strategy and Development Control Policies DPD.

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.

Informative

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of Rainham Cricket Club in Spring Farm Park. There are neighbouring properties located north of the application site. The site is located in Metropolitan Green Belt.

2. Description of Proposal

- 2.1 The application seeks permission for a cricket nets enclosure to an existing batting, coaching and practice area with sub base, matting and gates. The cricket nets enclosure is required to enclose an open outdoor cricket facility with two outdoor artificial cricket strips. One of the strips has a scaffolding frame so that the nets can be erected to make it a safe environment to practice cricket. The cricket net enclosure would improve the safety of park users and prevent vandalism.
- 2.2 The cricket nets enclosure would have a depth of 15 metres, a width of 9 metres and a height of 4 metres. The enclosure would have two gates and be constructed from sports rebound fencing.

3. Relevant History

- 3.1 No relevant planning history.

4. Consultations/Representations

Notification letters were sent to 22 neighbouring properties. One letter of support was received together with another letter which raises no objections providing that the nets are only used in compliance within the park bylaws regarding opening times.

5. Relevant Policies

- 5.1 Policies CP7 (Recreation and Leisure), CP17 (Design), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC45 (Green Belt), DC53 (Contaminated land) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations.

5.2 Policies 3.6 (Children and young people's play and informal recreation facilities) and 3.19 (Sports Facilities) of the London Plan 2011 are relevant.

5.3 Chapters 8 (Promoting Healthy Communities) and 9 (Protecting Green Belt Land) of the National Planning Policy Framework are relevant.

6. Staff Comments

6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings principle of development, impact on the Metropolitan Green Belt, impact on the streetscene, amenity issues and parking and highways implications.

7. Principle of Development

7.1 The application site falls within the Metropolitan Green Belt. Chapter 9 of the National Planning Policy Framework (NPPF) sets out the circumstances whereby development within the Green Belt can be considered appropriate. This list includes facilities for outdoor sport and recreation, which the proposal comprises. In this instance therefore, the cricket nets enclosure with sub base, matting and gates constitutes appropriate development in the Green Belt and is deemed to be acceptable in principle. It is still necessary however to consider whether any other harm arises from the scheme and this is assessed below.

8. Impact on the character and appearance of the Green Belt

8.1 It is considered that the cricket nets enclosure would not be harmful to the open and spacious character of the Metropolitan Green Belt, as its overall proportions are relatively modest and it would replace an existing scaffolding frame. It is considered that the green cage fence would allow a significant degree of visual permeability, which would minimise its visual impact and help to preserve the openness of the Green Belt.

9. Design/impact on street/Garden scene

9.1 It is considered that the cricket nets enclosure to the existing batting, coaching and practice area with sub base, matting and gates would not be harmful to the streetscene, as it would be set back approximately 105 metres from Lambs Lane North and would be partially screened by Rainham Cricket Club Pavilion. The nets enclosure, matting and gates are considered to be of an acceptable appearance.

9. Impact on amenity

9.1 It is considered that the proposal would not be harmful to residential amenity, as it would be set back approximately 105 metres from the nearest residential properties in Lambs Lane North and would be partially screened by Rainham

Cricket Club Pavilion. In addition, the proposal should help to increase the safety of park users.

10. Highway/parking issues

10.1 It is considered that the proposal would not create any highway or parking issues.

11. Conclusion

11.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a cricket nets enclosure to the existing batting, coaching and practice area with sub base, matting and gates would be acceptable. Staff are of the view that the proposal would comprise appropriate development in the Green Belt and would not harm its open and spacious character, have an impact on the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form and plans received on 4th March 2013.

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REGULATORY SERVICES COMMITTEE

27 June 2013

REPORT

Subject Heading:

P0366.13: Briar Site 6B_1 - Open Space adjacent to Coltsfoot Path, 37-107 Bellflower Path & 23-31 Mimosa Close, Romford

Erection of three terraced bungalows (1 x 2 bed and 2 x 3 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	<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 £5,000. This is based on the creation of 250m² 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. 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 0.13 hectares. The site is broadly level. There is a cluster of trees within the application site, predominantly comprising fruit or lime trees.
- 1.2 There is three storey flatted development to the east, south and south-west of the application site. There are also three storey flats to the north/north-west of the application site located on the opposite side of Coltsfoot Path.
- 1.3 The application also includes an area of grass verge further to the north-east of the main site, which adjoins the Briar Road highway and a small area of land to the south off the site, off Mimosa Close.

2. Description of Proposal

- 2.1 The application will involve the construction of a terrace of three bungalows, 2 no. 3 bed and 1 no. 2 bed. The bungalows will front on to Coltsfoot Path with private amenity space located to the rear. Existing trees on the site will be removed.
- 2.2 The proposed terrace has an overall length of 35.5m and a depth of 8.3m (excluding front entrance porches). The bungalows are of traditional design, with gable ended pitched roofs measuring 6m high to ridge. No roofspace accommodation is proposed. The proposals have been submitted in conjunction with a separate application for two bungalows on land to the west of the application site (P0367.13), which is reported separately on this agenda.
- 2.3 The two separate parcels of land, located to the north-east and south of the site are proposed to be used for parking.

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 19 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 and 6 June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 132 local addresses. Four letters of representation and one petition with 67 signatories have been received, objecting on the following grounds:

- will block out views
- loss of light
- stress during building
- building on all open land
- scale, height and character is unacceptable
- increase in noise and smells
- increase in traffic
- lack of parking
- loss of play space and recreational space
- loss of trees and bird habitat
- impact on infrastructure

- 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 has a comparatively modest footprint in relation to the overall size of the site, such that it is able to provide a reasonably spacious form of development, with the dwellings set off the footpath to the site frontage and in from the side boundaries of the site. The bungalows would have comparatively generous rear gardens compared with others on the estate such that they are judged to maintain an overall spacious character and feel in this part of the estate. The dwellings have been purposely designed as bungalows, with no roof accommodation, and it is considered that the modest height of the dwellings will assist in enabling the development to blend with its surroundings.

6.4.3 It is acknowledged that the proposed development will result in the loss of existing landscape features. However, based on ecological reports it is not considered that there would be any identifiable harm to protected species. The trees to be lost from the site are not subject of a TPO and are not judged to be of such benefit to local amenity that their removal can reasonably be resisted. The application makes provision for replacement landscaping, which can be secured by condition.

6.4.4 Each dwelling is provided with private, rear amenity space, which varies in depth owing to the angled footprint of the proposed terrace. Each garden is judged to be spacious in relation to prevailing local character and would provide good quality sitting out space, albeit that it would to some extent be overlooked by the neighbouring flats. It is considered that this is compensated for by the size of the gardens and a sufficient degree of privacy and amenity could be secured for future occupiers, particularly around the patio areas. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.5 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.

6.4.6 The proposed new parking areas are judged to be in keeping with local character and would not be materially harmful to visual amenity.

6.5 Impact on Amenity

6.5.1 The terrace of proposed bungalows will back on to the rear elevation of the existing flats at 37-59 and 61-83 Bellflower Path. The existing block at 23-31 Bellflower Path is located side on to the rear boundary of the application site. The proposed bungalows are sited at an angle to the rear boundary of the site. However, at their closest point, they will be a minimum of 5m from the boundary (measured at a pinch point in the north-eastern corner of the site), although this distance is generally far greater at around 12m minimum. Staff consider that the single storey nature of the development combined with the distances from the rear site boundary would be sufficient to have an acceptable relationship with the flats to the rear of the site. Subject to suitable boundary treatment, which can be secured by condition, it is considered that there would be no material loss of privacy to existing occupiers as there are no upper floor windows in the proposed development. Given the existing layout of the estate, the height of the dwellings and orientation it is considered that no material loss of light would occur.

6.5.2 To the north-west of the site the nearest flats are over 16m from the proposed buildings, with facing windows at least 21m away. It is not therefore considered that the proposed development would have a material adverse impact on occupiers of these flats.

6.5.3 The proposed new parking areas are not considered to result in material harm to neighbouring amenity given their location and relatively small scale.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development is on an existing area of open space, so will not result in any loss of parking within the estate. It is proposed to provide additional car parking, totalling 5 spaces, for this and the related planning application. This is equivalent to one parking space per unit. 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. 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 £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, not covered elsewhere in this report, include stress during building and an increase in noise and smells, neither of which are considered to be material planning considerations in this case. The proposal includes a financial contribution in line with the Planning Obligations SPD towards infrastructure costs arising from the development.

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.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

27 June 2013

Subject Heading:

P0367.13: Briar Site 6B_2 - Open Space adjacent to Coltsfoot Path, 23-31 and 32-40 Mimosa Close, Romford

Erection of a pair of semi-detached bungalows (2 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 £2,860. This is based on the creation of 143m² of new gross internal floor space.

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

- A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the 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 0.04 hectares. The site is broadly level. There is an existing lime tree within the application site.
- 1.2 There is three storey flatted development to the south and east of the application site. There are also three storey flats to the north/north-west of the application site located on the opposite side of Coltsfoot Path.
- 1.3 The application also includes a small area of land to the south of the site, off Mimosa Close.

2. Description of Proposal

- 2.1 The application will involve the construction of a pair of semi-detached bungalows, both 2 bed dwellings. The bungalows will front on to Coltsfoot Path with private amenity space located to the rear. The existing tree on the site will be removed.

- 2.2 The proposed terrace has an overall length of 22m and a depth of 7.6m (excluding front entrance porches). The bungalows are of traditional design, with gable ended pitched roofs measuring 6m high to ridge. No roofspace accommodation is proposed. The proposals have been submitted in conjunction with a separate application for three bungalows on land to the east of the application site (P0366.13), which is reported separately on this agenda.
- 2.3 The separate parcels of land, located to the south of the site, is proposed to be used for parking.

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 19 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 and 6 June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 75 local addresses. One letter of representation and two petitions, one with 67 signatories and one with 11, have been received, objecting on the following grounds:

- building on all open land
- increase in traffic
- lack of parking
- will be overlooked and closed in
- loss of play space and recreational space
- loss of trees and bird habitat
- loss of light
- will harm wellbeing

- 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 is judged to provide a reasonably spacious form of development, with the dwellings set off the footpath to the site frontage and in from the side boundaries of the site. The bungalows would have comparatively generous rear gardens compared with others on the estate such that they are judged to maintain an overall spacious character and feel in this part of the estate. The dwellings have been purposely designed as bungalows, with no roof accommodation, and it is considered that the modest height of the dwellings will assist in enabling the development to blend with its surroundings.
- 6.4.3 It is acknowledged that the proposed development will result in the loss of existing landscape features. However, based on ecological reports it is not considered that there would be any identifiable harm to protected species. The tree to be lost from the site is not subject of a TPO and not judged to be of such benefit to local amenity that its removal can reasonably be resisted. The application makes provision for replacement landscaping, which can be secured by condition.
- 6.4.4 Each dwelling is provided with private, rear amenity space, which varies in depth owing to the angled boundaries of the application site. Each garden has a maximum depth of 8.5m and is considered to provided a suitably sized rear amenity area that would provide good quality sitting out space, albeit that it would to some extent be overlooked by the neighbouring flats. It is considered that this is compensated for by the size of the gardens and a sufficient degree of privacy and amenity could be secured for future occupiers, particularly around the patio areas. Therefore it is considered to

comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

- 6.4.5 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.
- 6.4.6 The proposed new parking areas is judged to be in keeping with local character and would not be materially harmful to visual amenity.

6.5 Impact on Amenity

- 6.5.1 The terrace of proposed bungalows will back on to existing flats at 23-31 and 32-40 Mimosa Close. The proposed bungalows are sited at an angle to the rear boundary of the site. However, the depth of the plot is around 8m from the back of the terrace and it is considered that the proposed bungalows would be sufficiently separated from the existing flats to the rear to prevent material harm to the amenity of either existing residents or future occupiers of the bungalows. Staff consider that the single storey nature of the development combined with the distances from the rear site boundary would be sufficient to have an acceptable relationship with the flats to the rear of the site. Subject to suitable boundary treatment, which can be secured by condition, it is considered that there would be no material loss of privacy to existing occupiers as there are no upper floor windows in the proposed development. Given the existing layout of the estate, the height of the dwellings and orientation it is considered that no material loss of light would occur.
- 6.5.2 To the north-west of the site the nearest flats are over 16m from the proposed buildings. It is not therefore considered that the proposed development would have a material adverse impact on occupiers of these flats.
- 6.5.3 The proposed parking area is not considered to result in material harm to neighbouring amenity given its location and relatively small scale.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development is on an existing area of open space, so will not result in any loss of parking within the estate. It is proposed to provide additional car parking, totalling 5 spaces, for this and the related planning application. This is equivalent to one parking space per unit. 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. 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 £12,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

7. The Mayor's Community Infrastructure Levy

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The garages to be demolished have been used for six of the last twelve months so are deductible from the CIL payment. The applicable charge is based on an internal gross floor area of 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

27 June 2013

REPORT

Subject Heading:

**P0387.13: Briar Site 9K-
Garage/parking court to r/o 129-133
Briar Road, adjacent to 1 Cypress Path
& 95-101 Coltsfoot Path, Romford**

**Demolition of existing garages and
erection of three, two storey terraced
houses (1 x 3 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	[X]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,240.00. This is based on the creation of 112m² 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. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Works of Reinstatement – Prior to the demolition of the garage block at the northern end of the site, details of works for the making good/repair of the flank wall of no.1 Cypress Path and for the reinstatement of the boundary, shall be submitted to and approved in writing by the Local Planning Authority, together with a timescale for the carrying out of the work. The development shall then be carried out in accordance with the approved details.

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

18. Obscure/Fixed Window - The most southerly first floor window to the front elevation of the middle terrace dwelling, referenced on drawing no. 1117_9K_PL_101 Revision A as Plot 9K-2 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

INFORMATIVES

1. In aiming to satisfy condition 15 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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

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

Reason for Approval:

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a garage and parking court located on the north side of Briar Road, adjacent to Cypress Path. There is presently a single row of garages at the northern end of the site and a single row of garages at the southern end of the site, comprising 13 units together with surface parking. There is an electricity sub-station at the southern end of the site. Levels fall from north to south.
- 1.2 There are residential properties to the north, east and western boundaries of the site, all of which are two storey. There are three storey dwellings in Briar Road opposite the site entrance.

2. Description of Proposal

- 2.1 The application is for the demolition of the existing garages (the sub-station will be retained) and the construction of a terrace of 3 no. dwellings, 1 no. 3 bed and 2 no. 2 bed.
- 2.2 The proposed terrace has an overall length of 20.2m and has a staggered depth of 6.5m at its southern end and 9.8m at its northern end. The dwellings are of a traditional design and materials and are two storeys high. The ridge height of the development increases from south to north, measuring 8m high at the southern end rising to 9m at the northern end. Each dwelling will have private rear amenity space.
- 2.3 The application proposes 6 no. on site parking spaces, of which 4 are specifically allocated to the new dwellings.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 19 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 and 6 June. All were approved.

4. Consultations/Representations:

4.1 Neighbour notification letters have been sent to 26 local addresses. One letter of representation has been received, objecting on the following grounds:

- additional traffic and impact on road safety
- pressure on local schools and other local amenities
- reduction in car parking and garages
- priority parking for new houses is discriminatory
- residents will have to walk further to houses at greater risk to personal safety and difficult with young children
- loss of garages makes vehicles more at risk of vandalism and will increase insurance premiums
- overlooking and boxed in effect
- loss of light
- plans show creation of new alleyway which is contrary to the aims of the project and could cause problems with lighting and access and continued anti-social behaviour
- impact on boundary from removal of garage
- will obstruct satellite dish

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 consists of garage blocks and surface parking and is therefore considered to be

previously developed land. The construction of a terrace of houses on this site is therefore considered to be compatible in principle with local character.

- 6.4.2 The proposed development would effectively continue the existing terrace of houses to the north of the site in a southerly 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 design and pitches. The proposed dwellings are not taller than neighbouring houses to the extent that they appear materially out of character and step down in height in line with the gradual drop in ground levels. 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, of which the smallest garden is 42.5 square metres and the largest 76.5 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 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 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 north of the site, no.1 Cypress Path. 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 privacy or amenity to occupiers of this property. No. 1 Cypress Path has no flank windows that would be materially affected by the proposed development. It is noted that there is an existing satellite dish on the flank wall but the impact on this is a private matter and would not constitute material planning grounds for refusal. The existing garages adjoining the flank wall of this dwelling would be removed. The application contains no details for the making good of the flank wall of the neighbouring house and it is considered that this should be dealt with through a planning condition. There is an existing footpath link from Cypress Path to the parking court and this situation would not be materially changed by the proposed development.

- 6.5.2 To the east, the terraced dwellings at 129-135 Briar Road back on to the application site. The most southerly of the proposed houses is set in further from the site boundary than the other two. This dwelling is around 7.8m from the back fence of the Briar Road houses, with a window to window distance in the region of 14m. This relationship is considered to be acceptable. The most northerly of the proposed houses also has a similar relationship with the Briar Road houses, around 7.2m fence to fence and 13.6m window to window. This relationship is also considered to be acceptable and consistent with that which already occurs within this part of the estate.
- 6.5.3 The relationship between the central dwelling and the Briar Road houses is tighter, with a front elevation to fence relationship of around 4.4m and window to window distance of 12.9m. At ground floor this relationship is not harmful and characteristic of the layout of this part of the estate. At first floor the acceptability of this relationship is more of a judgement but is not judged to be materially out of character with the pattern of development in this part of the estate. There are two first floor windows to the front elevation, both of which serve the same bedroom. It is considered that of these windows, one (the most southerly) has a tighter relationship with the neighbouring properties than the other, owing to the staggered building line of the Briar Road houses. Staff consider that this window could reasonably be required to be obscure glazed and that this would be sufficient to ensure an acceptable degree of amenity for both existing residents in Briar Road and future occupiers. It is recommended that the obscure glazing of the relevant window be obscured by condition.
- 6.5.4 To the west the site backs on to the side boundary of nos. 95-101 Coltsfoot Path. This terrace has no flank windows which would be affected by the proposal. The back to flank distance is some 8.5m which is considered to provide an acceptable degree of amenity for both existing residents and future occupiers of the proposed development.
- 6.5.5 There is no material impact on properties to the south of the site in Briar Road, which are well separated from the application site and on the opposite side of the highway.

6.6 Parking and Highway Issues

- 6.6.1 The application includes the provision of 6 no. parking spaces within the site, 4 of which are allocated to the new houses (based on 2 spaces for the three bed house and one each for the two bed houses). This is marginally below the LDF parking requirement of 2-1.5 spaces per dwelling but not sufficiently so that there are considered to be any material parking issues in respect of the new dwellings. The proposal does however, of itself, result in a net loss of parking compared to the existing site situation. Whilst 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. 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 £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 The representations raise issues relating to anti-social behaviour on the estate. These 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. There is no new footpath being created per se as a footpath link already exists between the site and Cypress Path. The proposal includes a contribution towards the infrastructure impacts of the proposed development.

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 112 square metres (268 square meters less 156 square metres floorspace of garages to be demolished), which equates to a Mayoral CIL payment of £2,240 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

27 June 2013

Subject Heading:

P0383.13: Briar Site 10N- Open space adjacent to 62 & 78 Myrtle Road, Romford

Erection of two storey house (1 x 4 bed); creation of parking (application received 28 March 2013; revised plans received 13 June 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 £2,300.00. This is based on the creation of 115m² 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 draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

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

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: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

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

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

Reason for Approval:

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the north side of dwellings at 62 and 78 Myrtle Road. The site currently comprises two areas of grass verge, which are separated by an existing footpath. The flank wall of the dwellings at 62 and 78 Myrtle Road, which are two storey dwellings, adjoin the southern boundary of the site.
- 1.2 The surrounding area is residential in character, principally comprising two storey dwellings in the vicinity of the application site.

2. Description of Proposal

- 2.1 The application will involve the addition of a single, 4 bed dwelling onto the eastern section of the site, which would adjoin the end elevation of no. 62 Myrtle Road. The western part of the site would be developed to form three parking spaces, with additional landscaping.

- 2.2 The dwelling is 7m wide and 10.4m deep. The design of the building has been revised from a two/three storey building to a two storey dwelling, which measures approximately 9.2m to ridge, allowing for variations in ground level.
- 2.3 Provision will be made within the site for 3 parking spaces, which will be allocated specifically for use by the occupiers of the new dwellings.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 19 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 and 6 June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 38 local addresses. One letters of representation have been received objecting to the proposal on the following grounds:

- will overcrowd the area
- losing green and open spaces
- extra impact on schools and hospitals
- devaluation of property
- loss of parking

- 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 raised no objection to the proposals. A community safety related condition is requested if permission is granted.

5. Relevant Policies

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

6. Staff Comments

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

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate.

The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.

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

The Briar and consultation to date

- 6.2.6 During the last 3 years the Council has worked with residents with several rounds of public consultation developing proposals to improve the estate.
- 6.2.7 Initial Phase 1 consultation with residents commenced in October 2008 and generated a high level of interest amongst the community in three public meetings. This was followed by a residents survey in 2009 carried out by an independent company, for the Council and the Briar Community Association. Nearly 900 households responded, more than 70% of those living on the estate. The survey found that more than 70% of residents did have an appetite for more consultation on regeneration.
- 6.2.8 These results were applicable across the whole estate, with no particular parts dissenting. Also the sample interviewed was representative of the ethnic diversity and age of the estate's population. These results therefore provided a very strong mandate for further detailed consultation on regeneration.
- 6.2.9 Phase 2 consultation commenced with the development of the **Briar Improvements Action Plan**, a combination of housing refurbishment through the Decent Homes programme, new homes, environmental

improvements and a refurbished and extended Betty Strathern Community Centre. This was published in the Briar Bulletin delivered door to door to all residents and shopkeepers. The Plan was presented to residents at a series of public meetings in March 2010 and at the Harold Hill Area Committee and was received positively.

6.2.10 Implementation of the Plan has begun with an extensive Decent Homes programme for tenants which has been underway since March 2010. A limited number of homeowners have also taken up the opportunity of financial support from the London Rebuilding Society to carry out improvements to their homes. The improvements to the Betty Strathern Centre were completed in July 2010 and have resulted in an increasing use of the centre which is managed by the Briar Community Association.

6.2.11 Phase 3 involved detailed consultation with the Council engaging consultants PRP to work with residents, Homes In Havering and partners, to turn the Improvements Plan into detailed proposals through a series of 'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build 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 size of the verge and its location adjacent to a terrace of houses is not judged to 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 in principle to local character and amenity,
- 6.4.2 The proposed dwelling would be situated on the eastern portion of the site, where it would adjoin the flank of the existing terrace of dwellings. The dwelling would back on to Waverley Crescent, which is consistent with the remainder of the terrace. The proposed dwelling is set in from the boundary of the site with Myrtle Road such that it is not considered to be visually intrusive or overbearing in the wider streetscene.
- 6.4.3 The dwelling has private, rear amenity space, which although irregularly shaped is around 30 square metres in area to the rear of the property (excluding the space to the side of the dwelling). The combined side and rear amenity area is considered to provide an adequately sized amenity area, that is consistent in size with the prevailing pattern of development locally and 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 has been redesigned to lower its overall height. The dwelling is now entirely two storeys high and of a scale that is compatible with surrounding property in the vicinity of the site. It is taller than the immediately adjacent terrace, owing to the different roof type, but not to the extent that it appears visually out of keeping in the streetscene. The traditional scale, design and appearance of the proposed dwellings is judged to be compatible with the character of the surrounding area. The use of the western part of the site as a parking area with associated soft landscaping is considered to be in keeping with the overall character of the streetscene.
- 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 considers the proposal to be acceptable. Staff are satisfied with the proposal in this respect 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 property most directly affected by the proposal is no.62 Myrtle Road, which shares a flank wall with the proposed new dwelling. The footprint of the proposed dwellings respects the front and rear building lines of this dwelling and would not therefore be overbearing or result in loss of light or

privacy. There are no flank windows to no.62 Myrtle Road which would be affected by the proposal.

6.5.2 The proposed development would not directly overlook the property to the west of the site, no. 78 Myrtle Road, so is not considered to result in a loss of privacy or amenity. The proposed new parking area would be to the side of this dwelling but given it is to the flank of no.78 and provides just 3 parking spaces it is not judged the parking area would result in a loss of amenity to the adjoining occupier.

6.5.2 The existing dwellings to the north, north-east and east of the site are sufficiently far from the site, across public highway, not to be materially affected by the proposed development.

6.6 Parking and Highway Issues

6.6.1 The proposed development provides a total of three parking spaces. This exceeds the LDF parking requirements for the proposed dwelling.

6.6.2 This proposal does not displace any existing parking. However, it is acknowledged that the package of proposals overall 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.

6.6.3 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.

6.6.4 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.

6.6.5 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.

6.6.6 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.

6.8 Other Issues

6.8.1 Turning to issues raised in representations not covered elsewhere in this report, devaluation of property is not a material planning consideration. The application is subject to a requirement to pay towards the infrastructure implications arising from this development.

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 115 square metres, which equates to a Mayoral CIL payment of £2,300.

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 dwelling 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

27 June 2013

Subject Heading:

P0390.13: Briar Site 9F- Garage/parking court between 1 & 2 Iris Path & 8 Bellflower Path, Clematis Close, Romford

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

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,000.00. This is based on the creation of 100m² of new gross internal floor space.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. Obscure/Fixed Window - The first floor rear (north facing) windows to the dwelling referenced on drawing no. 1117_9F_PL_100 Revision C as Plot 9F-1 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

INFORMATIVES

1. In aiming to satisfy condition 15 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. The services of the Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety conditions.
2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London

Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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

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

Reason for Approval:

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the north side of Clematis Close. To the east of the site is the terrace no. 1-5 Iris Path and to the north the flank wall

of no.2 Iris Path. To the west of the site is the terrace at 2-8 Bellflower Path. The site is presently occupied by a single row of garages to the north end of the site and by surface parking. There is also a row of garages and a sub-station to the south but these are outside of the planning application boundary.

2. Description of Proposal

- 2.1 The proposal is for the construction of a semi-detached pair of houses, which will front in a southerly direction towards Clematis Close. Each dwelling will have 3 bedrooms. The dwellings have a combined width of 18.8m and a depth of 6.5m. The dwellings are two storey, with a gable ended roof, which rises to a maximum ridge height of 8m above ground level. Each 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 19 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee on 21 Ma and 6 June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 26 local addresses. No letters of representation have been received.
- 4.2 Councillor Darvill has written in expressing the following general concerns with the applications submitted for the Briar:

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

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

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

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 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 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 site is currently occupied by a garage block and by surface parking, so constitutes a previously developed site. The proposed residential development on this site would not therefore appear out of character with the locality.

6.4.2 The proposed dwellings would be set back from the existing building line to Clematis Close set by the terrace at 2-8 Bellflower Path. It would sit in front of the building line set by 1-5 Iris Path but overall would create a staggered building line as viewed from Clematis Close, which would appear acceptable in the streetscene. The scale and height of the dwellings would be compatible with local character.

6.4.3 Each dwelling is provided with private, rear amenity space, which is some 6-7m 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 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 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 lie to the north-east of the terrace of houses at 2-8 Bellflower Path. They are set almost 6m beyond the north-facing front elevation of these houses and have an off-set relationship with these dwellings, such that the impact of the development on these properties is judged to be acceptable.

6.5.2 To the east of the site is the flank wall of no. 1 Iris Path. This dwelling has no flank windows and there is a flank to flank separation of almost 4m between the respective properties, which is judged to maintain a sufficient degree of amenity for both existing occupiers and future residents.

6.5.3 The proposals have been revised since initially submitted, moving the terrace slightly further forward and also closer to the eastern boundary of the site, in order to improve the relationship of the development with the

property to the north of the site, no. 2 Iris Path. The proposed dwellings now back on to the side boundary of no.2 Iris Path at a distance of 7m. It is considered this is sufficient to prevent the new development having an unreasonably overbearing impact on the neighbouring rear garden. The first floor rear windows of the most easterly dwelling in the new pair face towards the flank wall of no. 2 Iris Path, so do not result in any loss of privacy or amenity. The first floor rear windows of the westerly dwelling in the pair serve a bathroom and a landing. Given these are non-habitable rooms, the windows could be obscure glazed and maintained as such through a planning condition. The upper floor habitable room windows are designed to face west and south in this dwelling so they will not face into neighbouring gardens or habitable rooms. On this basis, the proposed dwelling is considered to have an acceptable impact on neighbouring amenity.

6.6 Parking and Highway Issues

- 6.6.1 The proposed development provides a total of 8 on site parking spaces, of which 4 are allocated for use by occupiers of the proposed development. This meets the LDF parking requirement of 2-1.5 spaces per dwelling and is acceptable in principle. It is acknowledged that the site is currently used as parking and garages and the proposal will involve an overall net loss in parking provision of 12 spaces. Whilst 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 the whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider

package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.

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

6.7 Infrastructure

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

7. The Mayor's Community Infrastructure Levy

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

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

8. Conclusion

8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The 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

27 June 2013

Subject Heading:

Planning Contravention
Lakeview Caravan Park,
Cummings Hall Lane, Noak Hill

Report Author and contact details:

Simon Thelwell
Projects and Regulation Manager
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

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

- Ensuring a clean, safe and green borough
- Championing education and learning for all
- Providing economic, social and cultural activity in thriving towns and villages
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

SUMMARY

This report concerns an area of land that is part of the wider area known as Lakeview Caravan Park. In 2009 the Council served a number of enforcement notices relating to this site. The notice that relates to this part of the site was subject to an enforcement appeal. The appeal succeeded in part and permission was granted for the formation and use of a single dwellinghouse together with a residential curtilage (subject to conditions), but otherwise the appeal failed and the enforcement notice as corrected was varied. The conditions required the submission, approval and implementation of hard and

soft landscaping, boundary treatment and a small shed within a approved timetable. It also required the removal of wooden decking, the removal of all mobile homes, vehicles and trailers from the curtilage area and no open storage or storage or parking of any vehicles or caravans within the curtilage area. A number of planning conditions relevant to this decision have not been complied with. There are also 4 mobile homes that are used for single dwellinghouse purposes and an additional pre-fabricated single dwellinghouse with residential curtilage.

The Planning Enforcement Service are not prepared to allow the situation to become further protracted due to the time limits in which it can take action. It is considered that planning permission would not be granted to retain the unauthorised development. It is therefore requested that authority be given to issue and serve an Enforcement Notice in order to seek to remedy the breaches

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 months of the effective date of the enforcement notice:

1. Cease the use of the land for residential purposes.
2. Cease the use of the land for storage purposes unrelated to the use of Lakeview Park as a residential caravan site
3. Remove from the land all decking, machinery, equipment, apparatus, building materials, rubble, pre-fabricated buildings, mobile homes, caravans, vehicles and trailers in association with uses other than for storage related to the use of Lakeview Park as a residential caravan site.

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

REPORT DETAIL

1. **Site Description**
 - 1.1 The land in question is situated within the Metropolitan Green Belt and is North of Noak Hill Road. Lakeview Park is a complex of mobile homes with adjoining parcels of land within the same ownership. These parcels of land

are subject to a Section 52 agreement that permit storage uses related to the use of Lakeview Park as a residential caravan site.

2. **Relevant Planning and Enforcement History**

2.1 A number of applications for use of the site as a caravan park date back to 1954 but full records that pre-date 1964 do not appear to exist with LBH.

L/HAV/2468/71 – Change of use of land to stationing of caravans – Refused

1518/72 – Use of land for stationing of caravans – Refused

P1700.90 – Zone 1, 2 & 3. Alterations to existing mobile home estate – Refused

P0922.92 – Alterations to existing mobile homes estate (resubmission of P1700.90) – refused

P1019.92 – Regularising application for completed repair/maintenance works to existing private residential access road – Approved

P1086.93 – Satellite dish – Approved (58 Baxter Gardens)

P1301.93 – Satellite dish – Approved (19 Long Meadow)

P1387.93 – Satellite dish on patio – Approved (44 Bryant Row)

P0782.94 – Satellite dish – Approved (25a North End)

P1299.96 – Use of land for the stationing of park homes, relocation of car park, use of amenity space – Withdrawn

P0564.05 – Change of use from paddocks/storage areas of land for the siting of 44 park homes & garages – Withdrawn

T0074.06 – Work to overhanging trees – Approved

P1037.06 – Change of use from paddocks/storage area to land for siting of 20 park homes, 99 car parking spaces and 20 garages – Refused – Appeal dismissed

P0396.07 – Change of use from paddocks/storage area to land for siting of 15 park homes including retention of manager's park home. Additional car parking spaces, 20 garages and landscaping – Refused

D0137.10 – Certificate of Lawful Development for residential caravan site – refused

Q0067.10 – Discharge of Condition 1 of recommendation at appeal APP/B5480/C/09/2102279 – not discharged

Q0137.10 – Discharge of Condition 3 of recommendation at appeal
APP/B5480/C/09/2102281 – not discharged

Q0209.10 - Discharge of Condition 1 of recommendation at appeal
APP/B5480/C/09/2102279 – submitted details discharged

Q0210.10 - Discharge of Condition 3 of recommendation at appeal
APP/B5480/C/09/2102281 – submitted details discharged

E0009.12 – The area hatched green on the submitted plan has been used as part of the planning unit of the mobile home park for a period in excess of 10 years. – withdrawn

Enforcement Notice A – Without planning permission, the erection of a fence in excess of 1 metres in height adjacent to a public highway shown thick marked in bold black between points “A” and “B”. – Appeal allowed

Enforcement notice B – Without planning permission, the formation of hardstanding, the construction of decking, the erection of satellite dishes and the siting of mobile homes on the land. – Notice withdrawn

Enforcement Notice C – Without planning permission, the material change of use of the land for residential purposes and the storage of vehicles and trailers not associated with the authorised use of the main residential park. – Appeal succeeds in part and permission granted for part, but otherwise the appeal fails and the enforcement notice is corrected and varied.

Enforcement Notice D – Without planning permission, the increase in height of the former piggery buildings. – Appeal withdrawn – Notice complied with

Enforcement Notice E – Without planning permission, the material change of use of the land for the purpose of vehicle repairs and storage of steel containers and motor vehicles not associated with the main residential park. – Partial compliance

In 1977 the previous owner of Lakeview Caravan Park signed a Section 52 agreement seeking to overcome various matters relating to planning breaches on land used as ancillary to the main residential part of the park. The agreement relates to uses of land which includes storage, fencing and landscaping. The signed date of this agreement is 30th June 1977. The present owner of the land is fully aware of this agreement.

3. **The Alleged Planning Contravention**

3.1 Without planning permission,

The formation of residential curtilages and use of the land for single dwellinghouse purposes.

The use of the land for storage purposes unrelated to the use of Lakeview Park as a residential caravan park.

4. **Policy and Other Material Considerations**

- 4.1 In 2009 the Council served a number of enforcement notices relating to this site. The notice that relates to this part of the site was subject to an enforcement appeal. The appeal succeeded in part and permission was granted for the formation and use of a single dwellinghouse together with a residential curtilage (subject to conditions), but otherwise the appeal failed and the enforcement notice as corrected was varied. The conditions required the submission, approval and implementation of hard and soft landscaping, boundary treatment and a small shed within a approved timetable. It also required the removal of wooden decking, the removal of all mobile homes, vehicles and trailers from the curtilage area and no open storage or storage or parking of any vehicles or caravans within the curtilage area.
- 4.2 A recent site visit revealed that the arrangements on site is not in accordance with the planning conditions. The decking remains on site, the residential curtilage, landscaping and boundary treatment is not laid out in accordance with the approved details and there are 4 mobile homes that are used for single dwellinghouse purposes. There is also a pre-fabricated building that is used for residential purposes with a residential curtilage.
- 4.3 Staff consider that the relevant planning policies are contained within the Havering Local Development Framework (LDF). These include policies CP14, CP17, DC45, DC33, DC36, DC61 and DC69 of the Core Strategy and Development Control Policies DPD. London Plan (2011) policies 7.4, 7.6 and 7.16 and the National Planning Policy Framework (NPPF). are also important material considerations. Staff consider that the following section of the NPPF are relevant in this case; Section 9; - Protecting Green Belt Land and Section 7 - Requiring good design.

5. **Recommendation for action**

- 5.1 The site is located within the Metropolitan Green Belt. The main issues are whether the development would amount to inappropriate development in the Green Belt; the effect on the openness, character and visual amenities of the Green Belt; the effect on the character and appearance of the surrounding area having regard to it's location within the Havering Ridge Area of Special Landscape and if inappropriate development, whether there are any other material considerations that would clearly outweigh any harm resulting from these issues and thus justifying the development on the basis of very special circumstances.
- 5.2 Both national and local planning policies provide for the protection of the Metropolitan Green Belt, the fundamental aim of Green Belts being to prevent urban sprawl by keeping land permanently open. The most

important aspect of Green Belts is their openness, and there is a general presumption against inappropriate development within them.

- 5.3 Staff argue that the use of the site for single dwellinghouse purposes is inappropriate development within the Green Belt and, by definition, harmful to it and that it would only be justified if very special circumstances exist. A case for very special circumstances was accepted in relation to one former mobile home on the last appeal, but only subject to the imposition of agreed planning conditions to protect the openness of the Green Belt. Most of those conditions have been breached. It should also be noted that the breach of Condition 3 in particular means that the use of part of the site as a single dwellinghouse together with residential curtilage is unlawful.
- 5.4 With regards to the decking on site, there are no other material considerations that would justify the decking. The decking is inappropriate development in the Green Belt and should be removed to protect the visual amenities of the Green Belt and the character of the surrounding countryside.
- 5.5 For the same reason, it is regarded that all mobile homes, machinery, equipment, apparatus, building materials, rubble, vehicles and trailers unrelated to Lakeview Park as a residential caravan park should be removed from the site. These items should be removed to protect the openness and visual amenities of the Green Belt.
- 5.6 In summary, the alleged breaches of planning control have occurred within the last four years and the Council would be acting within the time limit for taking enforcement action, i.e. the developments are captured within the 4 year rule. Staff consider that the developments are contrary to policy DC45 & DC61 of the LDF Core Strategy and Development Control Policies DPD and the NPPF.
- 5.7 Finally Staff consider that six months is sufficient time to complete the works necessary to comply with the requirements set out in the recommendation section of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

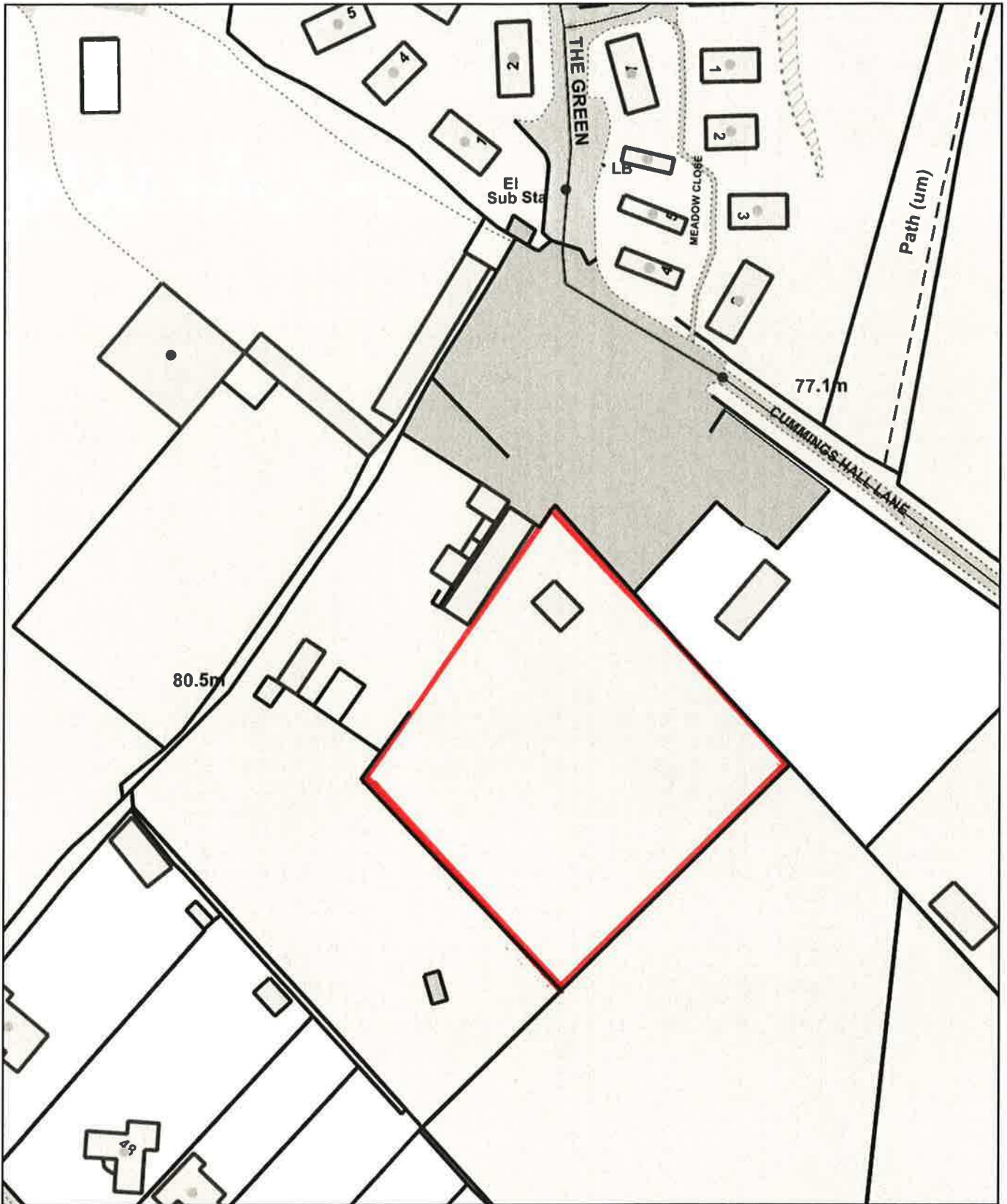
The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

BACKGROUND PAPERS

- 1. Aerial Photographs*
- 3. Relevant Planning History*

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Lakeview







Scale: 1:1000
Date: 13 June 2013
Size: A4





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REGULATORY SERVICES COMMITTEE

REPORT

27 June 2013

Subject Heading:

Alleged breach of planning control at ,
Land to the rear of 19-25 Ferndale Road,
Collier Row, Romford

Report Author and contact details:

Simon Thelwell, Projects and Regulation
Manager
01708 432685
Simon.thelwell@havering.gov.uk

Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of
Council's case in any appeal will have
financial implications

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

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

SUMMARY

This report concerns alleged breaches of planning control at a former garage site to the rear of 19-25 Ferndale Road, Collier Row Romford.

In July 2004 a planning permission was granted on appeal for the demolition of the existing garages and the erection of 2 dwellings with associated car parking. A number of conditions were attached to the planning permission.

Two of these conditions imposed by the Planning Inspectorate required details of schemes to be submitted to and approved in writing by the Council. The schemes required were details of landscaping and details of the access road and turning area.

Schemes were submitted to the Council, on behalf of the applicant, with plans and details, requesting that the conditions be discharged. These were subsequently approved.

In March 2012 the Planning Enforcement Service received a complaint alleging that the landscaping access road and turning area were not implemented in accordance with the approved plans.

This was investigated further and contact was made with the applicant and further schemes were submitted to modify the previous discharged conditions.

Planning staff considered the schemes which were subsequently refused.

At this juncture there does not seem to be a way forward or a will by the applicant to adhere to the previous approved schemes for the conditions and therefore Authority is sought for Enforcement Notices to be issued and served.

RECOMMENDATIONS

That Members consider that Enforcement Notices be issued and served to require within three months:

1. Cease the residential occupation of the dwellings approved vide P1734.03(allowed on appeal) until the approved scheme in relation to the Landscaping (shown on Plan drawing No 1865/2 and details therein contained) are fully implemented.
2. Cease the residential occupation of the dwellings approved vide P1734.03 (allowed on appeal) until the approved scheme in relation to the access road and turning area have been constructed and marked out in accordance with Plan drawing No 1865/2 and details therein are fully implemented.
3. Remove all materials associated spoils paving and rubble brought on to the land in connection with the unauthorised development in (1) and (2) above.

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

REPORT DETAIL

1. Site Description and Surroundings

- 1.1 The site; Land to the rear of 19-25 Ferndale Road Collier Row Romford ,was a small garage site consisting of single and a block of garages to the rear of residential semi-detached dwellings. It is located within a predominately residential area and the surroundings are mixed in scale and form. There are terraced and semi-detached dwellings to the north west of the site in Ferndale Road and detached properties to the west.
- 1.2 Some garages have now been demolished and replaced with two houses (now known as 1 & 2 Nolands Close, Romford, RM5 3FD) with a residential gardens and car parking areas.
- 1.3 The authorised planning use of this part of the site is now consistent with P1734.03.
- 1.4 Access to the site is via a service road which not only provides access to the two new dwellings (subject of planning permission P1734.03) but also to existing garages provided for residents of Ferndale Road. These garages are in use for the purpose of parking motor vehicles

2. Relevant Planning History

2.1	P1734.03	Demolition of existing garages and erection of 2no Dwellings with associated car parking.	Refused. Appeal allowed. 21.07.2004
	Q0093.09	Discharge Condition 5 of P1734.03	Discharged in full – 26.08.2009
	Q0198.10	Discharge Conditions 2 &3 of P1734.04	Discharged in full– 24.12.2010
	Q0083.12	Discharge Condition 9 of P1734.03	Not Discharged – 16.05.2012
	N0059.12	Minor amendment to canopies of porch	Approved no conditions- 31.01.2013
	P1526.12	Variation of Condition 9 of	Refused -28.02.13

P1734.03 for part of the turning circle.

Q0242.12 Discharge of Condition 4 of P1734.03 Not Discharged - 28.02.2013.

3. **Enforcement History**

3.1 None.

4. **Planning Contravention**

4.1 The alleged breaches of planning control are in relation to the failure to implement planning conditions 4 and 9 of planning application P1734.03 allowed on appeal, and detailed in the Planning Inspectorate Decision dated 21 July 2004.

4.2 **Condition 4:**

“The site shall be landscaped and planted with trees and shrubs in accordance with a comprehensive scheme which shall be submitted and approved in writing by the local planning authority (“the approved scheme”) before the development is commenced. The approved scheme shall be completed prior to the occupation of either of the dwellings hereby approved or in accordance with a timetable agreed in writing by the local planning authority. Any trees or shrubs that are removed, die, become severely damaged or seriously diseased within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted or other species as may be agreed”.

4.3 **Condition 9:**

“Neither of the dwellings hereby approved shall be occupied until the access road and the area of land shown hatched black on the approved plan has been constructed and marked out in accordance with a details submitted to and approved in writing by the local planning authority. Thereafter the area of land shall remain available at all times for the turning and manoeuvring of motor vehicles”.

5. **Staff Comments**

5.1 **Conditions 4 & 9**

5.1.1 On 28 June 2005 a letter was received (dated 23/06/05) by the Council, from the applicant’s agent, requesting conditions be discharged. This letter included a detailed plan no 1865/2.

- 5.2 Based on this letter and the attached plan (No1865/2) both Conditions were formerly discharged by the local planning authority a letter (dated 13/09/05) to the applicant's agent.
- 5.3 It is alleged that the dwellings on the site have been occupied without Conditions 4 & 9 being fully implemented.
- 5.4 It should be noted that there have been further submissions by the applicant for the Council to consider alternative schemes. . These have all been refused. The last refusal is dated 28/02/13.
- 5.5 Planning Enforcement Staff have visited the site on many occasions and confirm that the two dwellings are occupied .They note that in relation to Condition 4 there is insufficient landscaping. In particular there is no landscaping to the boundary with the residential dwellings in Ferndale Road. This area is hard-surfaced with brick paving. This has an unsatisfactory stark appearance.
- 5.6 It is our view that this area requires planting as in the approved scheme (Plan No 1865/2)
- 5.7 Staff, in relation to Condition 9, are of the view that the tarmac surface currently on site, needs to be larger and that some of the block paving needs to be removed from the land and that all parking areas are correctly marked. This would enable visitors, to the site, to identify easily, the difference between parking areas and the turning area.
- 5.8 It should also be noted that some of the residents in Ferndale Road have access to the site via the sites access road. This is to enable them to use their garages located at the rear of their properties, adjacent to the site.
- 5.9 It appears that the applicant is reluctant to implement the discharged conditions as shown on plan no 1865/2 and in the absence of an acceptable scheme Staff consider that Enforcement action is therefore necessary.
- 5.10 The relevant planning policies of the Local Development Framework, Core Strategy and Development Control Policies DPD, DC32 (Road Network) DC33(Car Parking), DC 61 (Urban Design), and SPD for Residential Design and Parking and SPD for Landscaping. Other material considerations include the National Planning Policy Framework and the London Plan (2011), notably policies 6.13, 7.4 & 7. 6
- 5.11 In conclusion, Staff are firmly of the opinion that planning conditions attached to the application P1734.03 subject of appeal are not being complied with. Staff are unwilling to allow the situation to become further protracted and have had little other option than to prepare this report seeking authorisation to serve an Enforcement Notice.

IMPLICATIONS AND RISKS

6. Financial implications and risks:

- 6.1 Enforcement action including defence of the Council's case in any appeal or prosecution have financial implications.

7. Legal implications and risks:

- 7.2 Enforcement action including defence of the Council's case in any appeal or prosecution will have legal resource implications.

8. Human Resources implications and risks:

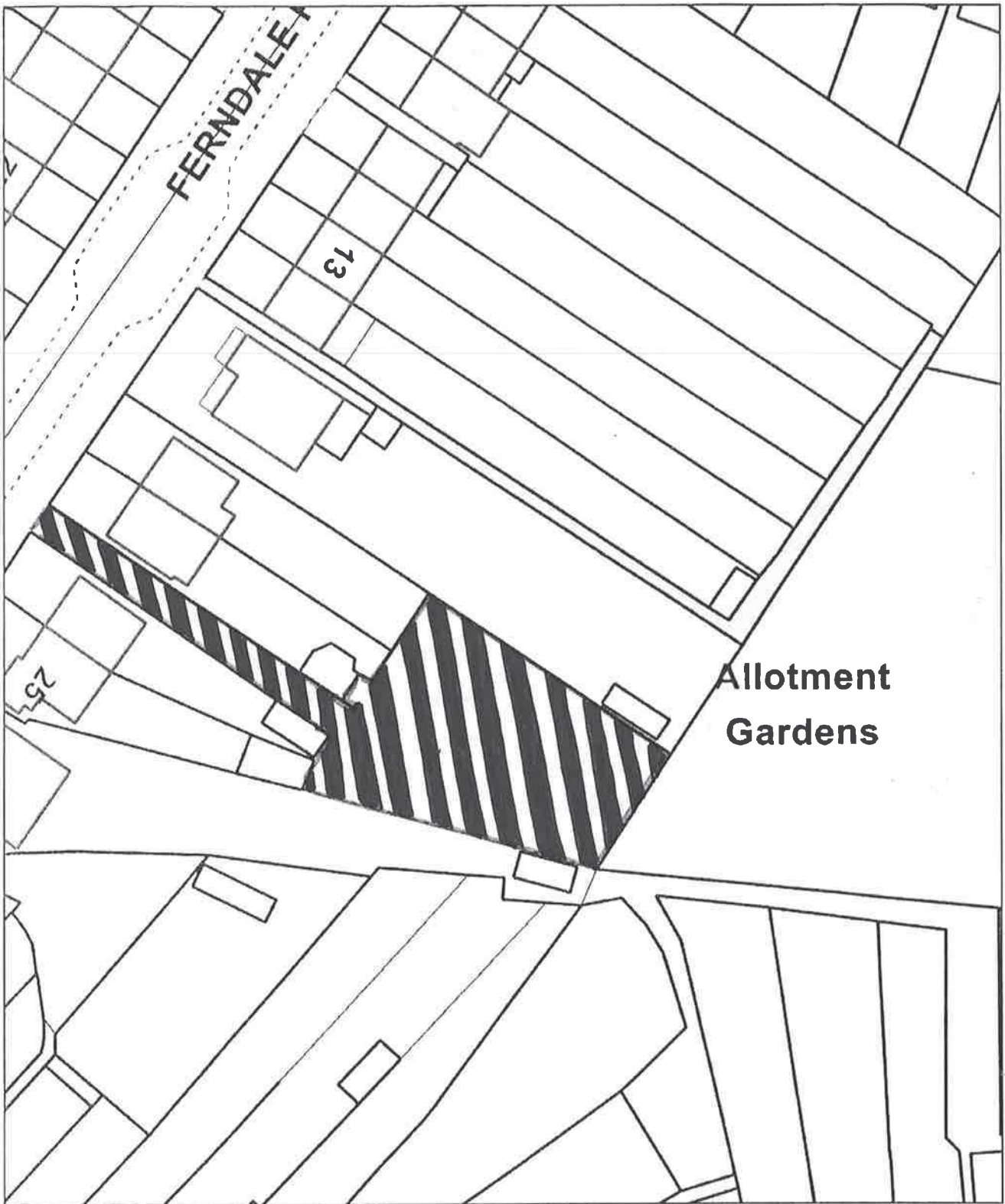
- 8.1 No implications identified.

9. Equalities implications and risks:

- 9.1 It should be noted that the operators of the Church are of Black African origin as is the main congregation.

BACKGROUND PAPERS

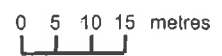
- 1. Planning Appeal Decision re P1734.03
- 2. Letter dated 23/06/05.
- 3. Copy of Plan no 1865/2 dated 28/05/05
- 4. Letter dated 13/09/05
- 5. Ordnance survey Plan



rear of 19-25 Ferndale Road Romford



Scale: 1:500
 Date: 12 June 2013
 Size: A4



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