



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 18 July 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:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 30)

To approve as a correct record the minutes of the meetings of the Committee held on 16 May and 21 May 2013 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 31 - 84)

Report attached

6 P0490.13 - DUKES HALL, MAYGREEN CRESCENT (Pages 85 - 104)

Report attached

7 P0244.13 - ELM PARK HOTEL, ELM PARK AVENUE, ELM PARK (Pages 105 - 114)

Report attached

8 P0732.13: CAR PARK AT FORMER ROMFORD ICE RINK, ROM VALLEY, ROMFORD (Pages 115 - 120)

Report attached

9 P0361.13: BRIAR SITE 2A- GARAGE/PARKING COURT ADJACENT TO 9A MYRTLE ROAD AND OKEHAMPTON ROAD, ROMFORD (Pages 121 - 138)

Report attached

10 P0384.13: BRIAR SITE 10E- OPEN SPACE BETWEEN 13 HONEYSUCKLE CLOSE, 19 TULIP CLOSE & 34 MYRTLE ROAD, ROMFORD (Pages 139 - 154)

Report attached

11 P0370.13: BRIAR SITE 7A - LAND AT CLEMATIS CLOSE, ROMFORD (Pages 155 - 172)

Report attached

12 PLANNING CONTRAVENTION (Pages 173 - 178)

Report attached

13 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

**Andrew Beesley
Committee Administration
Manager**

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Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
16 May 2013 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, Becky Bennett, Roger Evans and Steven Kelly

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group Michael Deon Burton

Apologies were received for the absence of Councillors Barry Tebbutt, Garry Pain, Sandra Binion and Mark Logan.

+Substitute members Councillor Beck Bennett (for Barry Tebbutt), Councillor Roger Evans (Garry Pain), Councillor Steven Kelly (for Sandra Binion) and Councillor Michael Deon Burton (for Mark Logan)

Councillors Roger Ramsey, Paul Rochford and Frederick Thompson were also present for parts of the meeting.

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

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

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

Councillor Evans declared a non-pecuniary personal interest in item P1901.11 – Beam Reach 8, Former Murex Site. Councillor Evans advised that he held a position as a paid board member of the London Thames Gateway Development Corporation, the planning authority responsible for the determination of planning application U0011.06. Councillor Evans advised that his position at the London Thames Gateway Development Corporation was now defunct. The personal interest was not prejudicial to the Councillor's ability to determine the application.

213 **P1531.12 - 4 PORCHESTER CLOSE, HORNCHURCH**

The report before members detailed an application which sought permission for the raising of the roof in order to convert the detached bungalow into a two storey dwelling with accommodation in the roof-space. The application also proposed a two storey front extension.

Members noted that the application had been called in by Councillor Ron Ower as he considered the proposed development was contrary to the Emerson Park SPD.

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

With its agreement Councillors Roger Ramsey and Paul Rochford also addressed the Committee.

Councillor Ramsey commented that there had been several cases of small properties in the Emerson Park area that had been extended or replaced by large house which had led to concerns from local residents. Councillor Ramsey also commented that these development sites were overbearing in nature and presented a nuisance to local residents. Councillor Ramsey also raised the need to ensure the imposition of stringent planning conditions should permission be granted.

Councillor Rochford commented that the proposal was unacceptable for the area and that the Emerson Park SPD should be implemented to control such planning applications. Councillor Rochford stated that the determination of the application was a matter of judgment and urged the Committee to refuse the application.

During the debate members discussed the principles behind the Emerson Park SPD and the quality of properties in Emerson Park. Members considered the other properties in the vicinity of the development site that had undergone similar development. Members considered the impact of the development on the area and the potential for harm.

Members gave consideration to an additional planning condition placing restrictions of construction hours.

Following a motion to refuse planning permission which was lost by 3 votes to 8 votes.

The Committee noted that the development was liable for a Mayoral CIL of £5,420 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include a further condition restricting construction hours to 8am to 6pm (Monday to Friday) and 8am to 1pm (Saturday) and no other times including Sundays, Public and Bank Holidays.

The vote for the resolution to grant planning permission was carried by 9 votes to 2.

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

214 **P0169.13 - 44 HERBERT ROAD, EMERSON PARK HORNCHURCH**

The report before members concerned an application for the demolition of the existing dwelling and the erection of three detached houses with a new access road and car parking.

Members noted that Councillor Steven Kelly had called in the application due to the number of previous planning applications at the development site and the number of refused schemes.

Councillor Ron Ower had also called in the application on the grounds that of the planning history of the site and the Emerson Park Local Planning Policy.

Staff advised that condition six (sound insulation) was to be removed from the report as the condition had no application to detached houses.

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

With its agreement Councillors Roger Ramsey and Paul Rochford addressed the Committee.

Councillor Ramsey commented that the application was pushing the boundaries of the Emerson Park Local Policy. Councillor Ramsey also commented that he had concerns regarding the layout of the proposed development, specifically the orientation of new houses. Councillor Ramsey raised concerns over the harm that the development may cause.

Councillor Rochford commented that his concerns mirrored those of Councillor Ramsey.

During the debate members expressed concerns that the application had now been before the Committee on three separate occasions. A member commented that the application before committee presented little difference to those applications that had been previously refused. Another member commented that constraints on site would prevent the development being laid out in another way. Members noted that the application had a lower density of houses than those applications previously refused. . A Member commented that one of the strengths of Emerson Park is its diversity of buildings and that the development would not be out of keeping with surrounding properties.

The Committee noted that the development was liable for a Mayoral CIL of £21,460 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

And that Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report with the exclusion of condition 6.

The vote to grant planning permission was carried by 8 votes to 3.

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

215 **P1532.12 - 2-4 EASTERN ROAD, ROMFORD**

The proposal before members was to change the use of the premises from an A1 Use selling cold sandwiches (Bagels) to a mixed A1 and A5 (takeaway) Use and to install an extract duct. The application was a re-submission of an earlier application (P1087.12) for the same development which was refused planning permission on the 30 November 2012.

Officers advised that the applicant had altered the hours that he was applying for and the hours should now read for A5 Use the premises would be looking to trade between 7pm and 10pm Sunday to Friday and between 7pm and 11pm on Saturdays.

Members noted that the application had been called-in by Councillor Frederick Thompson on the grounds that he did not think the refusal was justified in view of the fact that the premises were in a trading area and that there would be no loss of amenity in granting approval.

Officers also advised that an email had been submitted from Councillor Andrew Curtin urging the Committee to refuse the granting of planning permission on the grounds of community safety.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the premises was situated within the central trading area of Romford and therefore did not constitute a loss of amenity to the area. Councillor Thompson read a statement from the applicant that confirmed the trading hours applied for and that also made mention of the crime levels in the town centre which would continue regardless of whether his application was successful or not. The statement also made mention of the applicant's intention to erect temporary barriers, rather than a brick wall, to the exterior of the premises.

During the debate members considered the current A1 (retail) trading hours and how the A5 (takeaway) hours would be enforced.

Members also commented that they had sympathy with the Police's Crime Prevention Design Advisors comments regarding the possible increase in Anti-Social behaviour around the application site.

It was **RESOLVED** that planning permission be refused on the grounds that the proposal would introduce a mixed use including a takeaway to a small kiosk-sized unit located between the main evening activity centres and the public transport hub in Romford town centre. The unit was too small to enable customers to queue inside and with food made to order, this would result in large numbers of customers remaining on the street in the area longer than ordinarily such and that it was more likely to suffer from criminal activity contrary to Policies DC23 and DC63 of the LDF Core Strategy DPD and Policy ROM8 of the Romford Area Action Plan DPD.

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

Councillors Hawthorn, Ower, McGeary and Burton voted against the resolution to refuse planning permission.

- 216 **P0694.12 - WYEMA, 9 NORTH ROAD, HAVERING ATTE BOWER - DEMOLITION OF EXISTING BUNGALOW AND EXISTING OUTER BUILDINGS 2-6 & 8-11 TO CREATE A NEW TWO STOREY TOWN HOUSE**

The Committee considered the report and without debate **RESOLVED** that the grant of planning permission be delegated to the Head of Regulatory Services subject to the applicant submitting a satisfactory Design and Access Statement and subject to the conditions as set out in the report and with the following amendment to condition 13 showing the full text regarding removal of all existing buildings bar building number 7.

- 217 **P1516.12 - APSE TREE COTTAGE, HALL LANE, UPMINSTER - SINGLE STOREY REAR CONSERVATORY**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an informative drawing the applicant's attention to the need to secure listed planning consent.

- 218 **L0001.13 - OAKFIELDS MONTESSORI SCHOOL, HARWOOD HALL, HARWOOD HALL LANE, UPMINSTER - LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS TO FORM A REVISED KITCHEN WITH EXTERNAL FLUE, NEW INTERNAL TOILET PROVISION, EXTENSION TO THE EXISTING CONSERVATORY TO FORM A NEW STORE TO THE HALL AND SURFACING OF TWO EXTERNAL AREAS TO FORM CHILDRENS PLAY SPACE WITH LOW LEVEL LIGHTING**

Officers advised that a late letter of representation had been received objecting to the application on the grounds that the property was a listed building and situated within the Green Belt.

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

- 219 **P0026.13 - OAKFIELDS MONTESSORI SCHOOL, HARWOOD HALL, HARWOOD HALL LANE, UPMINSTER - EXTERNAL FLUE, NEW TOILET PROVISION, EXTENSION TO EXISTING CONSERVATORY TO FORM A NEW STORE TO THE HALL AND SURFACING OF TWO EXTERNAL AREAS TO FORM A CHILDRENS PLAY SPACE WITH LOW LEVEL LIGHTING.**

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

220 **P0059.13 - 40 AMBLESIDE AVENUE, HORNCHURCH**

The application before members sought permission for a first floor front extension to be constructed partially over the existing ground floor extension. The extension would provide an enlarged bathroom.

Members noted that the application had been called in by Councillor Barry Oddy to ensure that there was consistency in relation to decisions regarding front extensions.

During the debate members discussed matters relating to varied character of the streetscene and the effect of the proposed development on visual amenity. Members also discussed the need for this type of development to accommodate the changing needs of residents. Members noted that the streetscene in the vicinity of the development site was constantly changing to reflect the needs of residents.

Members received confirmation that no letters of representation objecting to the development had been received and it was felt that that there was general support for the application by residents of neighbouring properties.

The report recommended that planning permission be refused, however following a motion to grant planning permission it was **RESOLVED** that planning permission be granted subject to conditions (the precise wording of which) to be delegated to the Head of Regulatory Services to cover matching materials, time limit and full accordance with plans.

The reason for the approval was that the proposed extension by reason of its design and bulk would not be dominant in the building's setting and due to the varied character of the streetscene would not cause any harm to visual or residential amenity.

221 **P0073.13 - 172 COLLIER ROW ROAD, COLLIER ROW, ROMFORD - CHANGE OF USE TO MINI CAB OFFICE (SUI GENERIS)**

Officers advised that the consultation period had not yet ended but two letters of representation had been received.

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services to approve planning permission, for a temporary period of 1 year, subject to the conditions as set out in the report and the subject to the expiry of the consultation period, and there being no further representations which raised new material considerations. If new considerations were raised then the scheme was to be brought back for the Committee's consideration.

- 222 **P0227.13 - UNIT 6A, GALLOWS CORNER RETAIL PARK, COLCHESTER ROAD, ROMFORD - ALTERATIONS TO EXTERNAL ELEVATIONS OF AN EXISTING BUILDING AND SITE LAYOUT. CREATION OF 1,060 SQ M OF ADDITIONAL RETAIL FLOORSPACE (CLASS A1) AT MEZZANINE LEVEL, AND VARIATION OF CONDITION 9 OF PLANNING PERMISSION: P0865.99 TO EXTEND THE RANGE OF GOODS PERMITTED TO BE SOLD**

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

- 223 **P1901.11 - BEAM REACH 8, FORMER MUREX SITE, RAINHAM - EXTENSION OF TIME LIMIT OF APPLICATION U0011.06 - (VARIATION OF THE CONDITIONS PRECEDENT IN OUTLINE PLANNING PERMISSION P2078.03 TO ENABLE THE DISCHARGE OF CONDITIONS SEPARATELY ON A PHASED BASIS IN RELATION TO EACH RESERVED MATTER APPROVAL. CONDITIONS 5, 7-12, 15-18, 22-24, 26, 28, 31-35 & 40)**

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

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

- 224 **P1506.12 - WHYBRIDGE JUNIOR SCHOOL, BLACKSMITHS LANE, SOUTH HORNCHURCH - PROVISION OF AN ALL WEATHER PITCH ENCLOSED BY A 3 METRE HIGH MESH FENCE**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an amendment to Condition 7 to include no portable or temporary floodlighting.

225 **P1538.12 - ST EDWARD'S SCHOOL, LONDON ROAD, ROMFORD - REMOVAL OF TWO TEMPORARY STRUCTURES AND ERECTION OF A FOUR STOREY SIXTH FORM BLOCK**

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

- A financial contribution of £15,000 to be used towards the review and implementation of highway improvements in accordance with Policies DC32 and DC72 of the LDF Core Strategy and Development Control Policies DPD.
- 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 preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report and subject to the removal of Condition 7.

226 **P0222.13 - HAROLD WOOD PRIMARY SCHOOL RECREATION AVENUE, HAROLD WOOD - EXTENSIONS AND ALTERATIONS TO INCREASE PUPIL INTAKE FROM 420 TO 630 PUPILS INCLUDING ADDITIONAL PARKING FOR STAFF**

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

Chairman

Public Document Pack

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

Present:

COUNCILLORS: 10

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

Residents' Group Ron Ower and Brian Eagling

Labour Group Paul McGeary

**Independent Residents
Group**

Apologies were received for the absence of Councillors Mark Logan.

+ Substitute Member: Councillor Steven Kelly (for Sandra Binion), Pam Light (for Garry Pain), and Brian Eagling (for Linda Hawthorn)

Councillors Keith Darvill, Lesley Kelly and Denis O'Flynn were also present for parts of the meeting.

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

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

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

Prior to the consideration of the reports, the Chairman announced that as each of the planning applications for consideration at the meeting were of a similar nature and geographically located in close proximity to each other, then Ward Councillors for that area who wished to make representations before the Committee were given 6 minutes to make a general statement regarding the proposals. Non-Ward Councillors would be given 2 minutes to make their representations. The Chairman added that those Members would also be given an opportunity to raise specific points as each application was considered.

Councillors Keith Darvill and Denis O'Flynn addressed the Committee as Ward Councillors for the area where the applications were located.

Councillor Darvill stated that he had received numerous complaints from local residents concerning the proposals, particularly around parking displacement should the garages be demolished. He emphasised that a parking strategy needed to be implemented for the Estate, however he stressed that the strategy should have been included as part of the proposals with consultation with existing residents a key part of that strategy. He added that the original design for the Estate incorporated a number of small green open spaces to provide amenity for those residents who occupied flats or properties without any garden space. The proposals would create a terraced-like effect and result in overlooking into neighbouring properties.

Councillor O'Flynn remarked that the proposals were not in keeping with the promises made to residents of the Estate who were told that there would be a series of environmental improvements; these had not materialised in the proposals. He added that occupiers who had bought their properties a number of years ago did so because of the green and open spaces dotted around the Estate; these would now disappear with the proposals.

Councillor Lesley Kelly, speaking as a non-Ward Councillor, remarked that the proposals were supported by many residents who lived on the Briar Road Estate. She recognised that there would be a loss of parking as a result of the proposals, but that would be off-set by the availability of improved living accommodation for which residents of the Estate would get priority when bids were submitted. She added that the parking congestion was caused by the excessively high number of car owners living on the Estate and that the Estate was built at a time when there were so many cars on the road.

227 **P0363.13 - BRIAR SITE 3B GARAGE/PARKING COURT ADJACENT TO 8,25 & 32 HAREBALL WAY, ROMFORD**

The application proposed the demolition of eleven of the existing garage blocks, retaining four along the flank of 25 Harebell Way and the construction of a pair of semi-detached 3-bedroom dwellings. The proposed dwellings would be two-storey with a hipped roof and of a traditional design and external appearance.

It was reported that provision would be made within the site for four parking spaces, which were proposed to be allocated for use by the occupiers of the new dwellings, plus four retained and refurbished garages.

It was noted that 6 letters of representation had been received along with comments from a local Ward Councillor. Comments from two consultees had also been received and were outlined in the report.

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

The objector was primarily concerned with the loss of parking. The applicant responded pointing out that the parking surveys followed a methodology approved by the Local Highway Authority and that parking could be re-provided within the blue line area. In addition some members considered that there was support among local residents for the proposals and that the existing garages were not fit for purpose, being too small to accommodate most modern cars.

With its agreement, Councillors Keith Darvill, Lesley Kelly and Denis O'Flynn addressed the Committee.

Councillor Darvill stated that he had received numerous complaints from local residents concerning the proposals, particularly around parking displacement should the garages be demolished. He emphasised that a parking strategy needed to be implemented for the Estate, however he stressed that the strategy should have been included as part of the proposals with consultation with existing residents a key part of that strategy. He added that the original design for the Estate incorporated a number of small green open spaces to provide amenity for those residents who occupied flats or properties without any garden space. The proposals would create a terraced-like effect and result in overlooking into neighbouring properties.

Councillor Lesley Kelly remarked that the proposals were supported by many residents who lived on the Briar Road Estate. She recognised that there would be a loss of parking as a result of the proposals, but that would be off-set by the availability of improved living accommodation for which residents of the Estate would get priority when bids were submitted. She added that the parking congestion was caused by the excessively high number of car owners living on the Estate and that the Estate was built at a time when there were so many cars on the road.

Councillor O'Flynn remarked that the proposals were not in keeping with the promises made to residents of the Estate who were told that there would be a series of environmental improvements; these had not materialised in the proposals. He added that occupiers who had bought their properties a number of years ago did so because of the green and open spaces dotted around the Estate; these would now disappear with the proposals.

A Member of the Committee expressed concern that that the loss of parking spaces incurred through the demolition of the garages would result in parking overspill into the neighbouring streets. He suggested that a parking strategy should have been included as part of the application to address this. He added that there was insufficient disabled parking as part of the proposals and no CCTV provision.

An opposing view was put forward by other members of the Committee who commented that the proposals conformed to Council planning and parking policies.

Officers informed members that additional condition was proposed to be added to each of the 15 Briar Road applications requiring submission to and approval of details of levels prior to commencement.

It was **RESOLVED** that:

1. The development proposed would liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1280.00. This was based on the creation of 64m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution was passed by 7 votes to 3. Councillors Eagling, McGeary and Ower voted against the resolution to grant planning permission.

228 **P0392.13 - BRIAR SITE 9D- GARAGE/PARKING COURT BETWEEN 6 HENBANE PATH & 2 WILLOWHERB WALK, ROMFORD**

The application proposed the demolition of the existing garage blocks and the construction of a three 2-bedroom dwellings which would be two-storey in height.

Provision would be made within the site for 15 parking spaces, 3 of which would be allocated specifically for use by the occupiers of the new dwellings.

It was noted that a pro-forma letter containing two signatures had been received, along with comments from a local Ward Councillor. Comments from 2 statutory consultees had also been received.

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

The objector stated that contrary to the assurance given that no parking spaces would be lost, that would not be the case.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Both Members re-iterated points set out in the pre-amble to these minutes. In addition, Councillor Darvill raised the site specific concern regarding the impact of the proposals on flank walls. Officers referred to Condition 16 which would control the reinstatement of works.

Following a query, Members were advised that the roof heights for the proposed dwellings were a design feature.

It was **RESOLVED** that:

1. The development proposed would liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,240.00. This was based on the net creation of 62m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 7 votes to 3. Councillors Eagling, McGeary and Ower voted against the resolution.

229 **P0374.13 - BRIAR SITE 9J - GARAGE/PARKING COURT ADJACENT TO 48 COLTSFOOT PATH, BETWEEN 95-101 COLTSFOOT PATH & 127 BRIAR ROAD, CLEMATIS CLOSE, ROMFORD**

The application proposed the demolition of the northern garage blocks and the construction of a single 2-storey dwelling. 1 space within the remaining parking court would be allocated to the new houses.

It was noted that 2 letters of representation had been received, along with comments from a local Ward Councillor. Comments from 2 consultees had also been received.

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

The objector raised issues of noise and disturbance during the construction period and issues of security and loss of privacy through overlooking. The applicant's agent responded pointing to conditions which would control and manage construction. The applicant's agent further suggested that the relationship in terms of privacy and overlooking mirrors the existing terrace relationship.

Members sought clarification that the proposed estate footpath would be a similar width to the existing and therefore there should not be a pinch-point.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Both Members reiterated points as set out in the preamble to the minutes. In addition, Councillor Darvill remarked that the garages proposed for demolition should have been refurbished and that the emergency gate located on the site should be protected and not compromised by the proposals. He added that the large tree within the parking forecourt should be protected by a tree preservation order.

It was **RESOLVED** that the proposal was unacceptable as it stood 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.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

230 **P0360.13 - BRIAR SITE 1B- GARAGE/PARKING COURT AT JUNCTION WITH CLOUDBERRY ROAD & LUCERNE WAY, ROMFORD**

The application proposed the demolition of the existing garage block and the construction of a pair of 3-bedroom, semi-detached houses, fronting on to Cloudberry Road. The dwellings would be two-storey with a hipped roof and of a traditional design and external appearance.

Six parking spaces were proposed as part of the application. Two spaces were proposed adjacent to the south flank wall of one of the dwellings. The other four spaces would be provided within a parking area at the south-eastern end of the site. Four of the spaces would be allocated to the new dwellings, with the other two spaces for general use.

A pro-forma letter containing 13 signatories had been received along with comment from a local Ward Councillor. Comments had also been received from 2 statutory consultees.

A Member of the Committee expressed concern that that the loss of parking spaces that would result from the demolition of the garages would lead to parking overspill into the neighbouring streets. He suggested that a parking strategy should have been included as part of the application to address this. He suggested that the parking strategy could be disaggregated to address the parking requirements for each site.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,900.00. This is based on the creation of 95m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement

231 **P0362.13 - BRIAR SITE 3A - GARAGE COURT ADJACENT TO 1 & 13 JENNY PATH AND 36 HAREBELL WAY, BRIAR ROAD, ROMFORD**

The application proposed the demolition of the existing garage blocks and the construction of a two storey terrace providing four 3-bedroom dwellings. It was reported that the existing semi-mature tree within the site would be removed.

The dwellings would be two storey dwellings with a gable ended roof and of a traditional design and external appearance.

Provision would be made within the site for eight parking spaces, all of which were proposed to be allocated for use by the occupiers of the new dwellings.

It was noted that 3 letters of representation had been received, along with comments from a local Ward Councillor. Comments had been received from two statutory consultees.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £4340.00. This was based on the creation of 217m² of new gross internal floor space.
2. The proposal was unacceptable as it stood 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 £24,000 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.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement and an amendment to Condition 2 (the in accordance with plans condition) requiring the submission and approval of details of floor plans and elevations with height, footprint and position of the proposed development remaining as originally submitted.

The vote for the resolution to grant planning permission was passed by 7 votes to 3. Councillors Eagling, McGeary and Ower voted against the resolution.

232 **P0368.13 - BRIAR SITE 6C - OPEN SPACE ADJACENT TO 45 & 46 LUCERNE WAY, COLTSFOOT PATH, ROMFORD**

The application proposed the construction of a pair of semi-detached 3-bedroom dwellings which would two-storey in height.

Provision would be made within the site for 2 parking spaces, which were proposed to be allocated for use by the occupiers of Plot 1. Similarly, 2 parking spaces were shown to be allocated outside the site for Plot 2.

It was noted that a letter of representation had been submitted by a local Ward Councillor, along with comments from 2 consultees.

With its agreement, the Committee was addressed by Councillors Darvill and O'Flynn. They re-iterated those points referred to in the preamble of these minutes, and focussed on the site specific loss of amenity space.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £3,920.00. This was based on the creation of 196m² of new gross internal floor space.
2. That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

233 **P0369.13 - BRIAR SITE 6E - OPEN SPACE ADJACENT TO COLTSFOOT PATH, 24 & 25-28 LUCERNE WAY AND 87 CHATTERIS AVENUE, ROMFORD**

The application proposed the construction of a terrace of three houses. Two of the houses (3-bedroom) would be two-storey, whilst the southernmost house (4-bedroom) would be three-storey to the front, falling to two-storey to rear.

Provision would be made outside the site, along Coltsfoot Path, for 6 parking spaces which were proposed to be allocated for use by the occupiers of the houses.

It was noted that 2 letters of representation, including a pro-forma containing 13 signatures, had been received. Comments from a local Ward Councillor and 2 consultees had also been received.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Both reiterated the points contained in the preamble to these minutes.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £6,300.00. This was based on the creation of 315m² of new gross internal floor space.
2. That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to

indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 7 votes to 3. Councillors Eagling, McGeary and Ower voted against the resolution.

234 **P0386.13 - BRIAR SITE 9B- GARAGE/PARKING COURT BETWEEN 6 BUCKBEAN PATH & 25 CLEMATIS CLOSE, ROMFORD**

The application proposed the demolition of the existing garage block and the construction of three 2-bedroom dwellings which would be two-storey in height but designed with a high front elevation and steeply sloped roof, akin to other dwellings in the locality.

Provision would be made within the site for 6 parking spaces, 3 of which would be allocated specifically for use by the occupiers of the new dwellings.

There was a correction to an error in the report. Paragraph 6.6.1 incorrectly stated that there would be 14 parking spaces provided; the correct figure was 6 parking spaces.

It was noted that 6 letters of representation had been received, including a pro-forma letter containing 2 signatures. Comments had also been received from a local Ward Councillor, along with comments received from 2 consultees.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Both reiterated the points contained in the preamble to these minutes.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan

Policy 8.3 and that the applicable charge would be £3,400.00. This was based on the creation of 170m² of new gross internal floor space.

2. That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 7 votes to 3. Councillors Eagling, McGeary and Ower voted against the resolution.

235 **P0391.13 - BRIAR SITE 9C- GARAGE/PARKING COURT BETWEEN 6 WILLOWHERB WALK & 2 BUCKBEAN PATH, ROMFORD**

The application proposed the demolition of the existing garage blocks and the construction of three 2-bedroom two-storey dwellings designed with a high front elevation and steeply sloped roof, akin to other dwellings in the locality.

Provision would be made within the site for 13 parking spaces, 3 of which would be allocated specifically for use by the occupiers of the new dwellings.

It was noted that 8 letters of representation had been received including a pro-forma letter containing 2 signatures. A representation from a local Ward Councillor had also been received along with comments from 2 consultees.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Both Members reiterated the same points contained in the preamble to these minutes.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1,240.00. This was based on the net creation of 62m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 7 votes to 3. Councillors Eagling, McGeary and Ower voted against the resolution.

236 **P0371.13 - BRIAR SITE 9E - GARAGE/PARKING COURT BETWEEN 1, 2 & 13 BELLFLOWER PATH, CLEMATIS CLOSE & 38 HAREBELL WAY, ROMFORD**

The application proposed the demolition of the existing garage blocks and the construction of a terrace of three 2-bedroom two-storey dwellings. 8 parking spaces would be provided to the north part of the site, replacing existing garages, with 3 of the spaces allocated to the new houses.

It was noted that 6 letters of representation had been received, along with comments from a local Ward Councillor and 2 consultees.

During the debate, Members discussed the possibility of installing herringbone parking on the green located close to the application site. Officers advised that whilst the green was not part of the application site, they would consider the matter separately outside of the meeting. There was general support for this suggested re-provision being further explored.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1720.00. This was based on the creation of 86m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the

addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote the resolution to grant planning permission was passed by 8 votes to 2. Councillors Eagling and Ower voted against the resolution.

237 **P0372.13 - BRIAR SITE 9G - GARAGE COURT ADJACENT TO 1 SNOWDROP PATH, CLEMATIS CLOSE, ROMFORD**

The application proposed the demolition of the existing garage blocks and the construction of a single 2 storey dwelling. 12 parking spaces would be provided south of the proposed dwelling, with 2 of the spaces allocated to the new houses.

It was noted that 2 letters of representation had been received, along with comments from a local Ward Councillor. Comments from 2 consultees had also been received.

It was **RESOLVED** that the proposal was unacceptable as it stood 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.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

238 **P0373.13 - BRIAR SITE 9I - OPEN SPACE ADJACENT TO 37-47 AND 121 BRIAR ROAD, ROMFORD**

The application proposed the construction of a single 2-storey dwelling. 2 parking spaces would be provided alongside the proposed dwelling.

It was noted that 1 letter of representation had been received, along with comments from a local Ward Councillors. Comments from 2 consultees had also been received.

It was **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £1920.00. This was based on the creation of 96m² of new gross internal floor space.
2. The proposal was unacceptable as it stood 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.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

239 **P0375.13 - BRIAR SITE 9N - GARAGE/PARKING COURT BETWEEN 3 & 4-7 LAVENDER CLOSE, ROMFORD**

The Committee considered the report and, without debate, **RESOLVED** that:

1. The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £980.00. This was based on the creation of 49m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £12,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

240 **P0380.13 - BRIAR SITE 10D- GARAGE/PARKING COURT BETWEEN ANDROMEDA COURT & 1-13 BARBERRY CLOSE, ROMFORD**

The Committee considered the report, noting that 5 late letters of representation had been submitted. Without debate, the Committee **RESOLVED** that:

1. The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £2,180.00. This is based on the creation of 109m² of new gross internal floor space.
2. That the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

241 **P0382.13 - BRIAR SITE 10P- GARAGE/PARKING COURT BETWEEN 19 HONEYSUCKLE CLOSE & 24 MYRTLE ROAD, ROMFORD**

The Committee considered the report and, without debate, **RESOLVED** that:

1. The development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £3,860.00. This was based on the creation of 193m² of new gross internal floor space.
2. The proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under

Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
3. Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report, with the addition of a condition requiring the submission and approval of details of site levels prior to commencement.

The vote for the resolution to grant planning permission was passed by 9 votes to 1. Councillor McGeary voted against the resolution.

242 **SUSPENSION OF STANDING ORDERS**

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

Chairman

Regulatory Services Committee

18 July 2013

Page No.	Application No.	Ward	Address
1-4	P1395.12	Hylands	The Albany School, Broadstone Road, Hornchurch
5-11	P0097.13	Squirrels Heath	624 Upper Brentwood Road, Romford
12-23	P0352.13	Heaton	The Plough Public House, Gallows Corner, Colchester Road, Romford
24-28	P0439.13	Elm Park	1 Blenheim Court, Northolt Way, Hornchurch
29-34	P0498.13	Squirrels Heath	Units 11-12, Stafford Industrial Estate, Hillman Close, Hornchurch
35-40	P0545.13	Squirrels Heath	Unit 1, Stafford Industrial Estate, Hillman Close, Hornchurch
41-46	P0547.13	Squirrels Heath	Units 2-5 & 7-10, Stafford Industrial Estate, Hillman Close, Hornchurch
47-51	P0567.13	Elm Park	Land adj 36 Sowrey Avenue, Elm Park

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REGULATORY SERVICES COMMITTEE

18th July 2013

APPLICATION NO:	P1395.12	
WARD :	Hylands	Date Received: 10th January 2013 Expiry Date: 7th March 2013
ADDRESS:	The Albany School Broadstone Road Hornchurch	
PROPOSAL:	Remove condition 8 of P1327.11 re lighting	
DRAWING NO(S):	SCC/AC/01A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED given at the end of the report.	

SITE DESCRIPTION

The application site is the Albany Business and Enterprise College, comprising buildings up to three storeys in height with outdoor recreation areas and extensive playing fields. The site is accessed off Broadstone Road from the west. The site includes the car parking areas as existing near the entrance as well as 6 tennis courts and an open grassed playground immediately west of the tennis courts. The main college buildings are to the north of the tennis courts with a large open playing field to the east of the site. Harrow Lodge Park is to the south of the site with residential properties located to the immediate west and north of the site boundaries.

DESCRIPTION OF PROPOSAL

The proposal is to remove condition 8 of application P1327.11. Application P1327.11 for a multi use games area was approved at the 23rd February 2012 Regulatory services Committee.

Condition 8 reads as follows:

A screening scheme shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of the lights being installed, showing screening from the effects of glare to residential properties abutting the site. The development shall then be carried out and retained in accordance with the agreed details.

Reason: To minimise the visual impact of the lighting upon adjacent residential properties and to enable the Council, in conjunction with the applicant, to assess the extent and form of necessary screening.

RELEVANT HISTORY

- P1327.11 - Creation of a multi use games area with floodlights
Apprv with cons 02-03-2012
- P0780.09 - Extension and refurbishment of existing tennis courts including new flood lighting.
New all weather playing surface
Apprv with cons 26-02-2010
- P0968.04 - Change of use of car park to fenced seating area containing picnic tables (quiet recreation area for students)
Apprv with cons 08-07-2004

CONSULTATIONS/REPRESENTATIONS

REGULATORY SERVICES COMMITTEE

18th July 2013

Neighbour notification letters were sent to 85 properties. Letters of objection were received from 13 neighbouring occupiers and relates to the harmful impact that the floodlights would have to nearby residential properties:

RELEVANT POLICIES

LDF

- CP17 - Design
- DC29 - Educational Premises
- DC61 - Urban Design

OTHER

- LONDON PLAN - 3.18 - Education facilities
- LONDON PLAN - 3.19 - Sport facilities
- NPPF - National Planning Policy Framework

STAFF COMMENTS

The proposal is for the removal of condition 8 of planning application P1327.11 which relates to the screening of the floodlights. The main consideration is whether the removal of the screening would result in an unacceptable harm to neighbouring amenity as a result of light spill and glare.

The application has submitted the following information to justify the removal of the floodlight screening:

1. The applicant states that the angle of the lamps of the flood lights are almost horizontal and the light source would therefore not be visible. The application goes further to state that the only way glare is a factor is from inside or very close to the sports arena and then looking directly at the luminaire and it is therefore no need to screen the abutting properties from glare.
2. The applicant states that lighting fitting manufacturers no longer manufacture screens because the fitting design is so efficient allowing near horizontal directioning of light.
3. The applicant has also provided a glare calculation which gives a level of light intensity of zero compared to the 7500 level which is considered acceptable under the Institution of Lighting Professionals Guidelines. The calculation in combination with the submitted light spillage diagrams demonstrates that the light levels are at less than moonlight at halfway to the subject site boundary.

It should be noted that the light spillage diagrams were not submitted as part of the original planning application for the multi use games area (P1327.11), hence the reason for additional protection from potential light spill and glare. Staff however concur with the applicant's assessment of the effects of glare and consider the additional information submitted to sufficiently justify the removal of the requirement for screening (condition 8 of application P1327.11). The light spill diagrams show that illuminance would be 0 at a distance of approximately 39m from the Western and Northern most point of the multi use games area. The closest property to the North is situated at a distance of approximately 75m and to the West at a distance of approximately 109m.

KEY ISSUES/CONCLUSIONS

Staff consider the application to have sufficiently demonstrated that there is no need to screen the abutting neighbouring properties from glare. The proposal is therefore not considered to result in a harmful impact to neighbouring amenity and Staff recommends that the application for

REGULATORY SERVICES COMMITTEE
18th July 2013

the removal of condition 8 be approved.

RECOMMENDATION

It is recommended that **planning permission be GRANTED**

1. Non standard condition

The floodlights shall not be illuminated other than between the hours of 0800 hours and 2100 hours on Mondays to Fridays, 0800 hours and 2000 hours Saturdays and 1000 hours and 1800 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: - In the interests of amenity.

2. Non standard condition

Unless previously approved in writing, only floodlighting as detailed in Section 4 of the Source Intensity report submitted as part of this application, shall be utilised.

Reason: - In the interests of amenity.

3. Non standard condition

The Multi Use Games Area shall not be used for the purposes permitted under this permission and planning application P1327.11 other than between the hours of 0800 hours and 2100 hours on Mondays to Fridays, 0800 hours and 2000 hours Saturdays and 1000 hours and 1800 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.

4. Non standard condition

The flood lighting shall be angled downwards at all times.

Reason:-

In the Interests of residential amenity.

5. Non standard condition

The automatic turn off of floodlighting at the end of the permitted hours of use shall be implemented in accordance with details approved under Council Condition Discharge Reference Q0086.12.

Reason:-

In the Interests of residential amenity.

6. Non standard condition

The locking of the school gate at the in the site's north east corner when the school is

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INFORMATIVES

- 1 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:	P0097.13	
WARD :	Squirrels Heath	Date Received: 28th January 2013 Expiry Date: 25th March 2013
ADDRESS:	624 Upper Brentwood Road Romford	
PROPOSAL:	Change of use from a retail shop (A1) to hot food takeaway (A5) and extract ducting Revised Description	
DRAWING NO(S):	UBR.01	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Thorpe requested this application be called in to committee, on the grounds of impact on residents amenity. There is also the concern that this would be very near the Royal Liberty School and unhealthy eating is being discouraged in the Borough due to the increase in child obesity and diabetes. Vermin and increased litter are other concerns.

SITE DESCRIPTION

The site lies on the north east side of Upper Brentwood Road, close the junction with Farnes Drive and Main Road. This is a two storey end of terrace property with a vacant retail shop at ground floor and residential above. The surrounding area comprises of a commercial row of shops with flats above. The site is located within the Upper Brentwood Road Minor Local Centre. There are two storey residential dwellings located opposite the site. There are garages to the rear with residential properties fronting Farnes Drive.

DESCRIPTION OF PROPOSAL

The application is for a change of use from a retail shop (A1) to a hot food takeaway (A5) and extract ducting.

Opening hours are proposed to be 08:00 to 20:00 Monday to Saturday and 9:00 to 18:00 on Sundays, Bank and Public Holidays.

The application is accompanied by floor plans which indicate the provision of a waiting area, serving area, kitchen and lobby.

In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flank wall of the building. The duct would have dimensions of 0.2 metres in depth by 0.2 metres in width by 3.9 metres in height.

RELEVANT HISTORY

P1758.06 - Change of use to restaurant/cafe(A3) together with extract duct to rear - Refused. Dismissed on appeal.

P0336.91 - Part change of use of ground floor premises from A1 retail to Class C3 hot food

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takeaway - Refused.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 24 local addresses. A letter of objection was received from Councillor White with concerns regarding the impact of the proposal on neighbouring amenity including additional noise, late night visitors, smells, additional litter and vermin. The flow of traffic in the area could also be affected as patrons stop to purchase food. Residents are concerned that the change of use would affect property values in the area.

28 letters of representation have been received from 17 addresses with detailed comments that have been summarised as follows:

- Traffic and congestion.
- Highway safety.
- People congregating outside the premises.
- Anti-social behaviour.
- Car parking.
- Lack of consultation.
- Provision for deliveries and parking for employees.
- Litter.
- Smell.
- Pollution.
- The proposed use has been refused several times before and there are no reasons why this should change.
- Impact on property value.
- Impact on the popularity of the local area.
- Noise.
- There is no requirement for a hot food takeaway in this area, as there are a sufficient number of takeaways in Main Road.
- Impact on residential amenity.

In response to the above comments, each planning application is determined on its individual planning merits. Comments regarding the impact on property value and the popularity of the local area are not material planning considerations. The Council has a statutory obligation to consult neighbouring properties that adjoin the common boundary of the application site or are located in very close proximity to the site and this has been undertaken. The remaining issues will be addressed in the following sections of this report.

Crime Prevention Design Advisor - There are no material objections concerning any significant 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.

The Highway Authority has advised that the site has 2 rear parking spaces and benefits from a lay-by in front of the terrace of shops and parking bays in the near vicinity. The Highway Authority is aware of the comments of the Inspectorate regarding parking and highway safety for the previous application. The parking provision for hot food takeaway shops and food shops is the same and therefore the Highway Authority has no objection to the proposals.

RELEVANT POLICIES

Policies DC16, DC23, DC33, DC55, DC61 and DC63 of the LDF Development Control Policies DPD

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MAYORAL CIL IMPLICATIONS

Not liable for Mayoral CIL.

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Minor Local Centre, the impact on the streetscene and residential amenities and any highways or parking issues. The appeal decision for planning application P1758.06 is also a material consideration.

The agent has provided the following information in support of this application. The premises on the application site are vacant. This vacancy creates an anomaly in the streetscene and it is considered that an A5 use of the premises must be preferable to a vacant shop. The proposed A5 use would generate economic activity, which is supported by national and local plan policy. The agent asserts that the hot food takeaway may encourage multi-purpose journeys to other units in this parade of shops. The proposed business would make use of local produce/suppliers as well as employing local people within the workforce.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Upper Brentwood Road Minor Local Centre. Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level. Therefore, the proposed change of use from a retail shop (A1) to a hot food takeaway (A5) is acceptable in principle.

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 be visible from Upper Brentwood Road, although it is considered that it would not be materially harmful to the streetscene, as it would be set back 8 metres from the front facade of the building, which minimises its prominence. In addition, the width and depth of the extraction flue are relatively modest in size.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance.

The previous application, P1758.06, for a change of use to A3 was refused planning permission for the following reasons:

1) The proposal would, by reason of noise and disturbance, caused by customers, entering and leaving the premises, vehicle parking and manoeuvring, particularly during the evening hours of operation be unacceptably detrimental to the amenities of the occupiers of the first floor flats and nearby properties, contrary to Policy ENV1 of the London Borough of Havering Unitary Development Plan.

2) The proposed development would, by reason of the inadequate on site car parking provision, be likely result in unacceptable overspill onto the adjoining roads, including nearby residential side roads to the detriment of highway safety and residential amenity and contrary to Policies TRN2 and TRN18 of the Havering Unitary Development Plan.

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This application was subsequently dismissed on appeal (reference APP/B5480/A/07/203673) on 1st August 2007. The proposed opening hours were 11:00 to 23:00 Monday to Saturday and 11:00 to 22:30 on Sundays, Bank and Public holidays. The Inspector concluded that the proposal would have an adverse effect on the living conditions of the occupiers of the flats above the shops and nearby houses with particular regard to noise and disturbance in the evening.

In this instance, the original proposed opening hours for this application were 17:00 to 22:00 Monday to Thursday and 17:00 to 23:00 Friday and Saturday. Following negotiations with the agent, the opening hours were changed to 08:00 to 20:00 Monday to Saturday and 9:00 to 18:00 Sundays, Bank and Public Holidays.

It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions. The application property lies within a row of commercial premises which forms part of Upper Brentwood Road Minor Local Centre, where a certain level of activity and associated noise is to be expected. Upper Brentwood Road is a relatively busy main road with arguably higher ambient noise levels in the early part of the evening and on Sundays and Bank/Public Holidays. Given the nature of this road, there is no reason to believe that these observations are unusual. Staff consider that a closing time of 20:00 Monday to Saturday and 18:00 on Sundays, Bank and Public holidays, is reasonable in this Minor Local Centre. When considering the merits of this application, consideration was given to the fact that the Council's Crime Prevention Design Advisor has no objection to the proposal.

Although the extract duct would be visible in the streetscene and rear garden environment, it is considered that it would not result in an adverse visual impact, as it would be located on the flank wall of the two storey building. It is considered that the extract ducting would not result in a significant loss of amenity to neighbouring properties, as conditions from Environmental Health will be placed including one in respect of odours. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage. The Inspector (for P1758.06) considered that odours, fumes and litter could be dealt with by appropriate conditions were the appeal to succeed.

Overall, it is considered that the reduction in evening opening hours has brought the proposal within the realms of acceptability and has addressed previous concerns regarding the impact on neighbouring amenity.

HIGHWAY/PARKING

The application site has two car parking spaces to the rear of the property. The Inspector (for P1758.06) concluded that the proposed change of use would not be harmful to highway safety nor would parking in the area result in congestion or harm to pedestrian safety.

The Highway Authority has advised that the site has 2 rear parking spaces and benefits from a lay-by in front of the terrace of shops and parking bays in the near vicinity. The Highway Authority is aware of the comments of the Inspectorate regarding parking and has no objection to the proposals. It is considered that the proposal would not result in any highway or parking issues.

KEY ISSUES/CONCLUSIONS

The change of use is deemed to be acceptable in principle and would adhere to Policy DC16. It is considered that the extract ducting would not adversely affect the streetscene. It is considered that the reduction in evening opening hours has brought the proposal within the realms of acceptability and has addressed previous concerns regarding the impact on neighbouring

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amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. It is recommended that planning permission is approved.

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.

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 08:00 and 20:00 Monday to Saturdays and 09:00 to 18:00 on Sundays, Bank and 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.

4. SC58 (Storage of refuse)

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

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5. SC62 (Hours of deliveries)

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

Reason:-

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

6. 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 the submitted plans, an estimation of intended use, scale and nature of the business and has been determined as

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time); OR
2. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

Odour control should be implemented as described in guidance issued by the Environmental Health Department to the level required by the level of likely nuisance.

Reason: To protect the amenity of occupiers of nearby premises.

7. Non standard condition

Before the commercial use commences, that part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building 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 in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

8. Non standard condition

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.

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9. Non standard condition

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.

INFORMATIVES

1 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.

2 Fee Informative

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

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APPLICATION NO:	P0352.13	
WARD :	Heaton	Date Received: 21st March 2013 Expiry Date: 16th May 2013
ADDRESS:	The Plough Public House Gallows Corner Colchester Road Romford	
PROPOSAL:	Demolition and erection of a new building comprising restaurant, take away and drive thru facility Revised Plans received	
DRAWING NO(S):	0000/2013/B000/13.0014 Rev A (Site Plan and Elevations) 0000/2013/B100/13.0014 Rev A (Site Plan and Signage) 0000/2013/B114/13.0014 Rev A 0000/2013/B102/13.0014 0000/2013/B000/13.0014 0000/2013/B200/13.0014 0000/SK/M/001 Rev A 0000/2013/B115/13.0014	
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.	

BACKGROUND

This planning application was presented to Members on 6th June, 2013 but was deferred owing to concerns about the proposed access arrangements at Colchester Road. The applicants have subsequently made significant revisions to the scheme in an attempt to address the concerns raised, and these matters are discussed in the Highways section of this report.

SITE DESCRIPTION

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

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

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

DESCRIPTION OF PROPOSAL

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

The flat roofed building would measure 279sqm in area and would have a maximum height of

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

The site would be accessed from both Straight Road and Colchester Road. The applicant has agreed to make contributions towards the widening of a footpath alongside Colchester Road, which would be achieved by means of a S278 agreement with the relevant highway authority, in this case Transport for London. A carpark including 38 spaces would be located at the eastern end of the site. Overall, 48 parking spaces would be provided in total, of which 3 would be for disabled use. The proposal would also include pedestrian access routes within the site, landscaping, outdoor seating area, and an enclosed yard at the eastern end of the building. Various advertisement and information structures would also be erected.

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

RELEVANT HISTORY

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

CONSULTATIONS/REPRESENTATIONS

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

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

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

Comments have also been received from the following:

Highway Authority - No objections; conditions and informatives recommended.

Environment Agency - No objections.

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

Transport for London - No objections; condition recommended.

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

English Heritage - No objections; condition and informative recommended.

RELEVANT POLICIES

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

The London Plan

The National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

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

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

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

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

Additional material considerations in support of the proposal would be that most of the site was

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

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

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

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

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

IMPACT ON AMENITY

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

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

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

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

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

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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.

This planning application was presented to Members on 6th June, 2013 but was deferred owing to concerns about the proposed access arrangements at Colchester Road. The applicants subsequently entered discussions with the Transport for London and the Council's Highway officers with amendments being made to the scheme. The applicants now propose the installation of a traffic island along the centre of the A12, where it passes the site entrance, the creation of a more engineered site entrance to discourage right turns into the site and left turns out of the site, onto the A12. The site entrance from the A12 would include an island for pedestrian crossing, along with a more gradual lead-in to the site to allow vehicles to slow down more gradually on leaving the A12. These details are indicated on the submitted plans, and have been the subject of a safety audit. All of the revised information has been scrutinised and approved by Transport for London and the Council's Highway officers.

The proposal would include access and egress points onto Straight Road, at the western end of the site, and onto Colchester Road through the southern boundary of the site. The proposed internal access road would connect the two entrances and also include a separate loop around the proposed building for queuing drive-through traffic. A vehicle entering the site from Colchester road, which it is considered would be the primary entrance point, would drive around the internal access road and then enter the drive-through loop. Afterwards, vehicles could either exit the site or enter the car park located at the eastern end of the site.

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

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

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

OTHER ISSUES

Policy DC63 advises that new development should address issues of community safety. The Council's Crime Prevention Design Advisor has raised no objections to the proposal subject to

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the use of a condition, which can be imposed should planning permission be granted.

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

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

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

KEY ISSUES/CONCLUSIONS

Subject to the afore mentioned conditions, the proposal is considered to be acceptable having had regard to Policies CP4, CP9, CP10, CP15, DC15, DC23, DC32, DC33, DC34, DC35, DC36, DC40, DC52, DC55, DC56, DC61, DC63 and DC72 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

3. SC11 (Landscaping) (Pre Commencement Condition)

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3. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

4. Non Standard Condition 56

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

Reason:-

In the interests of highway safety and amenity and in accordance with Policy 6.3 of the London Plan.

5. SC13B (Boundary treatment) (Pre Commencement)

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

Reason:-

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

6. SC22 (Hours of operation) ENTER DETAILS

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

Reason:-

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

7. SC77 (Archaeological investigation) (Pre Commencement)

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7. SC77 (Archaeological investigation) (Pre Commencement)

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

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

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

Reason:-

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

12. Non Standard Condition 31

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

Reason:-

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

13. Non Standard Condition 60

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

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

14. Non Standard Condition 32

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

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15. Non Standard Condition 33

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

Reason:-

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

16. Non Standard Condition 34

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

Reason:-

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

17. Non Standard Condition 35

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

No

construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason:-

To protect residential amenity and to comply with Policy DC61 of the Development

18. Non Standard Condition 36

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

Reason:-

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

19. Non Standard Condition 37

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

Reason:-

To ensure the interests of the travelling public and are maintained and comply with

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20. Non Standard Condition 38

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

Reason:-

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

21. SC32 (Accordance with plans)

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

Reason:-

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

22. SC58 (Refuse and recycling)

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

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.

23. SC59 (Cycle Storage)

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

Reason:-

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

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

Prior to the commencement of the development hereby permitted, details of the

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25. SC82 (External lighting) (Pre Commencement)

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

Reason:-

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

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP4, CP9, CP10, CP15, DC15, DC23, DC32, DC33, DC34, DC35, DC36, DC40, DC52, DC55, DC56, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

2 Approval - No negotiation required

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

3 Secure by Design Informative

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

4 Non Standard Informative 1

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

2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any

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

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APPLICATION NO:	P0439.13	
WARD :	Elm Park	Date Received: 30th April 2013 Expiry Date: 25th June 2013
ADDRESS:	1 Blenheim Court Northolt Way Hornchurch	
PROPOSAL:	Change of Use from class A1 to D2 (gym)	
DRAWING NO(S):	Internal Layout Site Location 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.	

SITE DESCRIPTION

The site comprises a vacant retail unit located at the western end of a parade of shops at Blenheim Court, Hornchurch. The site's southern, western, and northern boundaries adjoin the public highway, whilst the eastern boundary adjoins a neighbouring retail unit. The retail unit has an internal mezzanine level, and a separate residential unit above.

The site forms part of a Minor Local Centre, as defined in the LDF.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of a vacant retail unit to a gym. The applicant has stated that the gym would be for females only and it is anticipated that around 30 members from the local area would use the gym per day. The applicant has stated that the existing glass screen and door frontage would be retained. Subject to demand, yoga classes would be held at weekends.

RELEVANT HISTORY

There are no previous planning decisions of particular relevance to this proposal.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 31 neighbouring occupiers; the consultation period ends on 21st June 2013. Two representations have been received making the following comments:

- The buildings do not have good sound insulation;
- Sound systems in the retail units are audible within the flats above;
- No opening times are stated in the application;
- Late opening times should not be allowed;
- The proposal could add to traffic and parking congestion.

Comments have also been received from the following:

Highways - No objections.

Environmental Health - No objections; condition recommended.

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RELEVANT POLICIES

Policies DC16 and DC61 of the Core Strategy and Development Control Policies DPD ("the LDF").

Guidance contained in the National Planning Policy Framework ("the NPPF").

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

This application is brought before Members as it is considered to represent a departure from the Development Plan, specifically Policy DC16 of the LDF (please see further discussion on this matter in the following section.)

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

This planning application proposes the change of use of a vacant retail unit to a gym (use class D2). Policy DC16 of the LDF states that non retail uses will be granted at ground floor level within the Minor Local Centres where applicants can demonstrate, through 12 months marketing information, that the premises have proven difficult to dispose of for such purposes. 12 months marketing information has not been provided in this case, although it is understood that the premises have been vacant for the last 6-8 months.

However, the more recent guidance contained in the NPPF defines fitness centres as main town centre uses and states that local planning authorities:

"should require applications for main town centre uses to be located in town centres."
(Paragraph 24)

The NPPF includes district centres and local centres in its definition of town centres. As the proposal is for a main town centre use in a local centre, it is considered to be acceptable in principle. Nevertheless, as the proposal would be contrary to Policy DC16 of the LDF, it is still to be considered as a departure from the development plan.

Officers consider that there are grounds for allowing a town centre use in this location, and that, with the retention of a shop frontage and gym members visiting the premises, that the proposal would not be detrimental to the vitality and viability of this Minor Local Centre. It is for Members to consider whether this proposal should be approved, contrary to policy.

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. Any proposed changes to the retail unit's signage would need to be the subject of an application for advertisement consent. 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.

Two neighbouring occupiers have raised concerns that the proposal would result in a noise nuisance for the residents of adjoining flats. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of a condition requiring the submission of details relating to the control of noise. This condition is not considered to be sufficiently precise. It is recommended that those conditions recommended for a separate, but similar, proposal be employed in this case, and these include a requirement that floor insulation be used to address impact noise in the free weights area; that any proposed installation of plant be the subject of specific noise level controls; and that sound systems not be used after certain times of day.

The applicant proposes opening hours of 9am-8pm Monday to Friday, and 9am to 2pm at weekends. A condition can be imposed to require that the proposed use operates within these time restrictions, which would be broadly similar to those imposed on the neighbouring retail units.

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.

Neighbouring occupiers have stated that the proposal could contribute to traffic congestion, however, the Council's Highway officers have raised no objections to the proposal. The proposed gymnasium would be relatively small in scale and the applicant anticipates that around 30 members would use the facility per day, mainly from the local area.

In terms of its impact on highway safety and amenity, the proposal is considered to be acceptable.

KEY ISSUES/CONCLUSIONS

Subject to the proposed conditions, the proposed development is considered to be acceptable and recommended for approval, having had regard to Policies DC16 and DC61 of the LDF, and the guidance contained in the NPPF.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

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2. 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) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 0900hrs and 2000hrs Mondays to Fridays, and between 0900 and 1400 on Saturdays, Sundays, Bank, and Public Holidays.

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.

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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 1900hrs and 0900hrs 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 of Policies DC16 and 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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APPLICATION NO:	P0498.13	
WARD :	Squirrels Heath	Date Received: 23rd April 2013 Expiry Date: 23rd July 2013
ADDRESS:	Units 11-12 Stafford Industrial Estate Hillman Close Hornchurch	
PROPOSAL:	Change of use to allow B1(b)(c), B2 & B8 activity additional information received 8/7	
DRAWING NO(S):	PL002 PL003	
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 application site comprises two storage and distribution (use class B8) units, which together amount to 1,691sqm of floorspace, and their curtilages, located within the Stafford Industrial Estate. The two units are attached and located at the eastern end of a row of three units. Each unit includes a vehicle entrance door in its front, or southern elevation. Vehicle parking areas are located to the front of the buildings, and in the case of the end unit, a separate parking area to the side.

The site's northern boundary adjoins Network Rail land beyond which is the mainline railway; the eastern and southern boundaries adjoin the public highway at Ardleigh Close and Hillman Close respectively; whilst the western boundary adjoins an attached B-use unit and its curtilage. Residential properties are located approximately 20m to the east of the site boundary, on the opposite side of Ardleigh Close, with the actual dwellings being located in excess of 30m from the buildings under consideration. The site is located in excess of 40m from the curtilages of residential properties located along Stafford Avenue to the south west.

The industrial estate in which the site is located is designated as a Secondary Employment Area in the LDF.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of two existing buildings to allow them to be employed for B1 (b) and (c) (research and light industry), B2 (general industry), and B8 (storage and distribution) purposes. The buildings are currently in use for storage and distribution (B8) purposes. The units are currently both vacant and owing to the prevailing economic conditions, a more flexible planning consent is being sought that would allow the buildings to be used for a variety of employment uses, potentially making them easier to let. It is also proposed that upto 20% of the buildings be permitted for use as trade desks on an ancillary basis. The proposal would not involve any operational development.

RELEVANT HISTORY

The site is located within the Stafford Industrial Estate, which was granted planning consent several decades ago. The previous planning decisions of most relevance to this proposal are as follows:

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P0729.09 - Change of use from educational use (D1) to storage and distribution (B8) - Approved.

P2252.07 - Continued use of units for education use (Change of use to Class DI) - Approved.

L/HAV/1483/81 - Construction of a light industrial estate - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters have been sent to 29 neighbouring occupiers. No representations have been received.

The following were also consulted:

Highways - No objections.

Environmental Health (Contaminated Land) - No objections.

Environmental Health (Noise) - No objections subject to the use of a condition.

RELEVANT POLICIES

Policies DC10, DC32, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ("the LDF").

Joint Waste Development Plan Document for East London

MAYORAL CIL IMPLICATIONS

The proposal would not give rise to any payments under the Mayoral CIL regulations.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

This planning application proposes the change of use of existing storage and distribution buildings to allow for different potential uses, including B1 (b) and (c), B2, and B8, including the use of trade counters on an ancillary basis.

The site is located within a Secondary Employment Area wherein Policy DC10 states that B1 (b) and (c), B2, and B8 uses will be granted planning permission providing they do not adversely affect the amenities of neighbouring occupiers.

The site is located in close proximity to neighbouring residential properties, however, it is considered that conditions could be imposed to prevent any significant adverse impacts on the amenities of neighbouring occupiers. The proposal is therefore considered to be in accordance with Policy DC10 of the LDF and acceptable in principle.

The submitted information states that up to 20% of the premises could be used as trade counters on an ancillary basis, and a condition is suggested to prevent more than 20% of the floor area being used for these purposes. It is considered that the floorspace of a proposed use would not be sufficient to determine whether it would be ancillary or not. It is therefore proposed

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that no conditions be imposed in this regard and that any future occupiers be allowed to undertake ancillary uses, such as trade counters, with an informative to recommend that the advice of the local planning authority be sought to ensure that a use would be ancillary, and therefore not subject to additional planning control.

A condition is recommended to prevent the buildings being used for waste processing purposes in future. Some waste-related activities are considered to be B2 uses; the use of the premises for these purposes would undermine the objectives of the Joint Waste DPD, and also potentially give rise to significant adverse impacts on the amenities of neighbours, in terms of odour and other nuisances.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposed development would not involve any operational development or result in any significant changes to the exterior of the application buildings. Conditions are recommended to prevent the storage of any plant or material in the open air, and requiring the submission of details relating to bicycle storage, and waste/recycling storage.

Subject to the afore mentioned conditions, in terms of its visual impact, it is considered that the proposal would not result in any significant harm to the character of the area and that it would be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

Whilst the site is located within a Secondary Employment Area, the Stafford Industrial Estate is surrounded by residential properties, with the nearest dwellings as detailed earlier in this report. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of a condition requiring the approval of noise insulation details in the event that the premises are to be used for industrial (B2) purposes.

The applicants are proposing operating hours of 8am-9pm (Monday to Friday), 9am-7pm (Saturdays), and 10am-4pm (Sundays). The Council's Environmental Health officers have raised no objections to these proposed operating times and it is therefore recommended that they be the subject of a condition.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers and that the proposal would be in accordance with Policies DC10 and DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that new development that would have an adverse impact on the functioning of the road hierarchy will not be allowed. It is considered that the proposal would not result in any material difference to the functioning of the highway network, over and above the existing situation. The Council's Highway officers have raised no objections to the proposal.

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KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC10, DC32 and DC61 of the LDF and all other material considerations.

RECOMMENDATION

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

1. Non Standard Condition 31

No plant, material, or goods shall be stored in the open air, and the existing vehicle parking areas shall be retained for the life of the development.

Reason:-

In the interests of visual amenity and to prevent a loss of parking spaces in accordance with Policies DC32 and DC61 of the Development Control Policies Development Plan Document.

2. Non Standard Condition 32

No waste processing or recycling activities shall take place at the site at any time, and no waste material shall be imported to the site.

Reason:-

In the interests of residential amenity and in accordance with the objectives of the East London Joint Waste Development Plan Document.

3. 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).

4. SC22 (Hours of operation) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 8am and 9pm on Mondays to Fridays, 9am to 7pm on Saturdays, and 10am to 4pm on Sundays, Bank and Public holidays, without the prior consent in writing of the Local Planning Authority.

Reason:-

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

5. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page

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6. SC58 (Refuse and recycling)

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

Reason:-

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

7. Non Standard Condition 34

No B2 use shall take place within an individual unit until a scheme detailing the proposed sound insulation and noise abatement measures relating to that unit has been submitted to and approved in writing by the Local Planning Authority. The proposed B2 use shall then be undertaken in accordance with the approved details.

Reason:-

In the interests of residential amenity and in accordance with Policies DC10 and DC61 of the Development Control Policies Development Plan Document.

8. SC59 (Cycle Storage)

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

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

Reason for Approval

The proposed development is considered to be in accordance with Policies DC10, DC32, and DC61 of the Development Control Policies DPD and the objectives of the East London Joint Waste Development Plan Document, and is considered to be acceptable having had regard to the Development Plan and all other material considerations.

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

Potential occupiers of the site are advised to seek the advice of the Local Planning

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Authority prior to establishing trade counters in accordance with their approved activities, to ensure that planning consent is not required.

Contaminated Land

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 life of the development. 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 in accordance with current best practice and submitted to 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.

2 Fee Informative

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

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APPLICATION NO:	P0545.13	
WARD :	Squirrels Heath	Date Received: 2nd May 2013 Expiry Date: 1st August 2013
ADDRESS:	Unit 1 Stafford Industrial Estate Hillman Close Hornchurch	
PROPOSAL:	Change of use to allow B1(b)(c), B2 & B8 activity	
DRAWING NO(S):	PL004 PL005	
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 application site comprises a storage and distribution (use class B8) unit and its curtilage, located within the Stafford Industrial Estate. The unit under consideration comprises 899sqm of floorspace; is located at the eastern end of the industrial estate; and includes a vehicle parking area to the front or east. The building includes a vehicle entrance door and a glazed frontage providing access to a showroom in its eastern elevation.

The site's northern boundary adjoins Hillman Close, which is the highway running through the industrial estate; the eastern and southern boundaries adjoin the public highway at Ardleigh Close and Stafford Avenue respectively; whilst the western boundary adjoins a residential property located along Stafford Avenue. A Residential property is located immediately to the west of the site's western boundary, with a distance of approximately 4m between the application building and the side of the dwelling under discussion. Other residential properties, located along Stafford Avenue are located within 20m of the site's southern boundary, whilst residential properties located along Ardleigh Close are located in excess of 30m to the east.

The industrial estate in which the site is located is designated as a Secondary Employment Area in the LDF.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of an existing building to allow it to be employed for B1 (b) and (c) (research and light industry), B2 (general industry), and B8 (storage and distribution) purposes. The unit is currently in use, but given the prevailing economic conditions, the applicants consider that a more flexible planning consent would allow the building to be more easily let once the current lease expires. It is also proposed that upto 20% of the building be permitted for use as a trade counter on an ancillary basis. The proposal would not involve any operational development.

RELEVANT HISTORY

The site is located within the Stafford Industrial Estate, which was granted planning consent several decades ago. The previous planning decisions of most relevance to this proposal are as follows:

P1624.06 - Change of use from B1 (c) to B8 with trade counter - Approved.

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L/HAV/1483/81 - Construction of a light industrial estate - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters have been sent to 32 neighbouring occupiers. No representations have been received.

The following were also consulted:

Highways - No objections.

Environmental Health (Contaminated Land) - No objections.

Environmental Health (Noise) - No objections subject to the use of a condition.

RELEVANT POLICIES

Policies DC10, DC32, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ("the LDF").

Joint Waste Development Plan Document for East London

MAYORAL CIL IMPLICATIONS

The proposal would not give rise to any payments under the Mayoral CIL regulations.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

This planning application proposes the change of use of an existing storage and distribution building to allow for different potential uses, including B1 (b) and (c), B2, and B8, including the use of a trade counter on an ancillary basis.

The site is located within a Secondary Employment Area wherein Policy DC10 states that B1 (b) and (c), B2, and B8 uses will be granted planning permission providing they do not adversely affect the amenities of neighbouring occupiers.

The site is located in close proximity to neighbouring residential properties, however, it is considered that conditions could be imposed to prevent any significant adverse impacts on the amenities of neighbouring occupiers. The proposal is therefore considered to be in accordance with Policy DC10 of the LDF and acceptable in principle.

The submitted information states that up to 20% of the premises could be used as a trade counter on an ancillary basis, and a condition is suggested to prevent more than 20% of the floor area being used for these purposes. It is considered that the floorspace of a proposed use would not be sufficient to determine whether it would be ancillary or not. It is therefore proposed that no conditions be imposed in this regard and that any future occupiers be allowed to undertake ancillary uses, such as a trade counter, with an informative to recommend that the advice of the local planning authority be sought to ensure that a use would be ancillary, and therefore not subject to additional planning control.

A condition is recommended to prevent the building being used for waste processing purposes

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in future. Some waste-related activities are considered to be B2 uses; the use of the premises for these purposes would undermine the objectives of the Joint Waste DPD, and also potentially give rise to significant adverse impacts on the amenities of neighbours, in terms of odour and other nuisances.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposed development would not involve any operational development or result in any significant changes to the exterior of the application building. Conditions are recommended to prevent the storage of any plant or material in the open air, and requiring the submission of details relating to bicycle storage, and waste/recycling storage.

Subject to the afore mentioned conditions, in terms of its visual impact, it is considered that the proposal would not result in any significant harm to the character of the area and that it would be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

Whilst the site is located within a Secondary Employment Area, the Stafford Industrial Estate is surrounded by residential properties, with the nearest dwellings as detailed earlier in this report. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of a condition requiring the approval of noise insulation details in the event that the premises are to be used for industrial (B2) purposes.

The applicants are proposing operating hours of 8am-9pm (Monday to Friday), 9am-7pm (Saturdays), and 10am-4pm (Sundays). The Council's Environmental Health officers have raised no objections to these proposed operating times and it is therefore recommended that they be the subject of a condition.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers and that the proposal would be in accordance with Policies DC10 and DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that new development that would have an adverse impact on the functioning of the road hierarchy will not be allowed. It is considered that the proposal would not result in any material difference to the functioning of the highway network, over and above the existing situation. The Council's Highway officers have raised no objections to the proposal.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC10, DC32 and DC61 of the LDF and all other material considerations.

It is recommended that

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the end of the report

1. Non Standard Condition 31

No plant, material, or goods shall be stored in the open air, and the existing vehicle parking areas shall be retained for the life of the development.

Reason:-

In the interests of visual amenity and to prevent a loss of parking spaces in accordance with Policies DC32 and DC61 of the Development Control Policies Development Plan Document.

2. Non Standard Condition 32

No waste processing or recycling activities shall take place at the site at any time, and no waste material shall be imported to the site.

Reason:-

In the interests of residential amenity and in accordance with the objectives of the East London Joint Waste Development Plan Document.

3. 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).

4. SC22 (Hours of operation) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 8am and 9pm on Mondays to Fridays, 9am to 7pm on Saturdays, and 10am to 4pm on Sundays, Bank and Public holidays, without the prior consent in writing of the Local Planning Authority.

Reason:-

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

5. SC32 (Accordance with plans)

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

Reason:-

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

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6. SC58 (Refuse and recycling)

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

Reason:-

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

7. Non Standard Condition 35

No B2 use shall take place within an individual unit until a scheme detailing the proposed sound insulation and noise abatement measures relating to that unit has been submitted to and approved in writing by the Local Planning Authority. The proposed B2 use shall then be undertaken in accordance with the approved details.

Reason:-

In the interests of residential amenity and in accordance with Policies DC10 and DC61 of the Development Control Policies Development Plan Document.

8. SC59 (Cycle Storage)

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

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

Reason for Approval

The proposed development is considered to be in accordance with Policies DC10, DC32, and DC61 of the Development Control Policies DPD and the objectives of the East London Joint Waste Development Plan Document, and is considered to be acceptable having had regard to the Development Plan and all other material considerations.

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

Potential occupiers of the site are advised to seek the advice of the Local Planning

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Authority prior to establishing trade counters in accordance with their approved activities, to ensure that planning consent is not required.

Contaminated Land

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 life of the development. 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 in accordance with current best practice and submitted to 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.

2 Fee Informative

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

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APPLICATION NO:	P0547.13	
WARD :	Squirrels Heath	Date Received: 2nd May 2013 Expiry Date: 1st August 2013
ADDRESS:	Units 2-5 & 7-10 Stafford Industrial Estate Hillman Close Hornchurch	
PROPOSAL:	Change of use to allow B1(b)(c), B2 & B8 activity	
DRAWING NO(S):	PL006 PL007	
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 application site comprises eight light industrial and storage/distribution (use class B1c and B8) units and their curtilages, located within the Stafford Industrial Estate. The eight units include the following:

- i) Four attached units located at the western end of the site (Units 2-5);
- ii) Three units forming part of a four unit block located alongside the northern boundary (Units 7-9);
- iii) One unit at the western end of a three unit block, located towards the eastern end of the site (Unit 10.)

Vehicle parking areas are located to the fronts of the buildings. The site includes part of the highway, Hillman Close, which runs through the Stafford Industrial Estate.

The site's northern boundary adjoins Network Rail land beyond which is the mainline railway; the southern boundary adjoins the rear curtilages of around 20 residential properties located along Stafford Avenue. The eastern boundary adjoins units and land located within the industrial estate, whilst the western boundary adjoins the rear curtilages of six residential properties located along Ashlyn Grove. Units 2-5 are located within a couple of metres of the curtilages of neighbouring residential properties, with the actual buildings being located in excess of 50m from the dwellings along Ashlyn Grove, and within 17m of properties along Stafford Avenue. Units 7-10 are located in excess of 50m from the dwellings located along Stafford Avenue, and 30m from the rear curtilages of these properties.

The industrial estate in which the site is located is designated as a Secondary Employment Area in the LDF.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of eight existing buildings to allow them to be employed for B1 (b) and (c) (research and light industry), B2 (general industry), and B8 (storage and distribution) purposes. The buildings are currently in use for light industrial and storage/distribution (B1c and B8) purposes. One of the units is currently vacant and owing to the prevailing economic conditions, the applicants state that a more flexible planning consent would allow the buildings to be more easily let once their existing leases end. It is also proposed that upto 20% of the buildings be permitted for use as trade counters on an ancillary basis. The

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proposal would not involve any operational development.

RELEVANT HISTORY

The site is located within the Stafford Industrial Estate, which was granted planning consent several decades ago. The previous planning decisions of most relevance to this proposal are as follows:

L/HAV/1483/81 - Construction of a light industrial estate - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters have been sent to 63 neighbouring occupiers. No representations have been received.

The following were also consulted:

Highways - No objections.

Environmental Health (Contaminated Land) - No objections.

Environmental Health (Noise) - No objections subject to the use of a condition.

RELEVANT POLICIES

Policies DC10, DC32, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ("the LDF").

Joint Waste Development Plan Document for East London

MAYORAL CIL IMPLICATIONS

The proposal would not give rise to any payments under the Mayoral CIL regulations.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

This planning application proposes the change of use of existing light industrial and storage/distribution buildings to allow for different potential uses, including B1 (b) and (c), B2, and B8, including the use of trade counters on an ancillary basis.

The site is located within a Secondary Employment Area wherein Policy DC10 states that B1 (b) and (c), B2, and B8 uses will be granted planning permission providing they do not adversely affect the amenities of neighbouring occupiers.

The site is located in close proximity to neighbouring residential properties, however, it is considered that conditions could be imposed to prevent any significant adverse impacts on the amenities of neighbouring occupiers. The proposal is therefore considered to be in accordance with Policy DC10 of the LDF and acceptable in principle.

The submitted information states that up to 20% of the premises could be used as trade

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counters on an ancillary basis, and a condition is suggested to prevent more than 20% of the floor area being used for these purposes. It is considered that the floorspace of a proposed use would not be sufficient to determine whether it would be ancillary or not. It is therefore proposed that no conditions be imposed in this regard and that any future occupiers be allowed to undertake ancillary uses, such as trade counters, with an informative to recommend that the advice of the local planning authority be sought to ensure that a use would be ancillary, and therefore not subject to additional planning control.

A condition is recommended to prevent the buildings being used for waste processing purposes in future. Some waste-related activities are considered to be B2 uses; the use of the premises for these purposes would undermine the objectives of the Joint Waste DPD, and also potentially give rise to significant adverse impacts on the amenities of neighbours, in terms of odour and other nuisances.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposed development would not involve any operational development or result in any significant changes to the exterior of the application buildings. Conditions are recommended to prevent the storage of any plant or material in the open air, and requiring the submission of details relating to bicycle storage, and waste/recycling storage.

Subject to the afore mentioned conditions, in terms of its visual impact, it is considered that the proposal would not result in any significant harm to the character of the area and that it would be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

Whilst the site is located within a Secondary Employment Area, the Stafford Industrial Estate is surrounded by residential properties, with the nearest dwellings as detailed earlier in this report. The Council's Environmental Health officers have raised no objections to the proposal subject to the use of a condition requiring the approval of noise insulation details in the event that the premises are to be used for industrial (B2) purposes.

The applicants are proposing operating hours of 8am-9pm (Monday to Friday), 9am-7pm (Saturdays), and 10am-4pm (Sundays). The Council's Environmental Health officers have raised no objections to these proposed operating times and it is therefore recommended that they be the subject of a condition.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers and that the proposal would be in accordance with Policies DC10 and DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that new development that would have an adverse impact on the functioning of the road hierarchy will not be allowed. It is considered that the proposal would not result in any material difference to the functioning of the highway network, over and above the

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existing situation. The Council's Highway officers have raised no objections to the proposal.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC10, DC32 and DC61 of the LDF and all other material considerations.

RECOMMENDATION

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

1. Non Standard Condition 31

No plant, material, or goods shall be stored in the open air, and the existing vehicle parking areas shall be retained for the life of the development.

Reason:-

In the interests of visual amenity and to prevent a loss of parking spaces in accordance with Policies DC32 and DC61 of the Development Control Policies Development Plan Document.

2. Non Standard Condition 32

No waste processing or recycling activities shall take place at the site at any time, and no waste material shall be imported to the site.

Reason:-

In the interests of residential amenity and in accordance with the objectives of the East London Joint Waste Development Plan Document.

3. 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).

4. SC22 (Hours of operation) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 8am and 9pm on Mondays to Fridays, 9am to 7pm on Saturdays, and 10am to 4pm on Sundays, Bank and Public holidays, without the prior consent in writing of the Local Planning Authority.

Reason:-

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

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5. SC32 (Accordance with plans)

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

Reason:-

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

6. SC58 (Refuse and recycling)

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

Reason:-

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

7. Non Standard Condition 35

No B2 use shall take place within an individual unit until a scheme detailing the proposed sound insulation and noise abatement measures relating to that unit has been submitted to and approved in writing by the Local Planning Authority. The proposed B2 use shall then be undertaken in accordance with the approved details.

Reason:-

In the interests of residential amenity and in accordance with Policies DC10 and DC61 of the Development Control Policies Development Plan Document.

8. SC59 (Cycle Storage)

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

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

Reason for Approval

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The proposed development is considered to be in accordance with Policies DC10, DC32, and DC61 of the Development Control Policies DPD and the objectives of the East London Joint Waste Development Plan Document, and is considered to be acceptable having had regard to the Development Plan and all other material considerations.

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

Potential occupiers of the site are advised to seek the advice of the Local Planning Authority prior to establishing trade counters in accordance with their approved activities, to ensure that planning consent is not required.

Contaminated Land

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 life of the development. 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 in accordance with current best practice and submitted to 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.

2 Fee Informative

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

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APPLICATION NO:	P0567.13	
WARD :	Elm Park	Date Received: 9th May 2013 Expiry Date: 4th July 2013
ADDRESS:	Land adj 36 Sowrey Avenue Elm Park	
PROPOSAL:	Attached dwelling on site adjacent to 36 Sowrey Avenue	
DRAWING NO(S):	sk.1780.13.1 Design and Access Statement	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

Councillor Barry Oddy has called in the application to ensure consistency in decisions.

SITE DESCRIPTION

The application site is a semi-detached property which is pebbledashed with a tiled roof. There is parking for one car on a hardstanding and a single garage at the rear of the property. The ground levels slope down slightly from south west to north east at the application site. The site is bounded by a 1.8 metre wall onto Stephen Avenue and 2m high shrubbery to the boundary with No.34 Sowrey Avenue. At the time of the site visit, a single-storey side extension had been demolished in order to commence works granted in 2012 for a side/front extension.

The surrounding area is characterised by two-storey semi-detached properties.

DESCRIPTION OF PROPOSAL

The proposal is a resubmission following refusals in 2010 and 2011 (the latter also being dismissed at appeal) and is for an attached 2-bedroom, two-storey house with parking and amenity space.

The proposal would change the existing semi-detached pair into a terrace. The proposed attached house would be 4.6m (as previously) wide and 10.3m deep at ground floor level (previously 7.3m deep) and 7.3m deep (previously 6.7m) at first floor level. It would have a hipped, pitched roof with a ridge height of 7.7m (previously 7.8m) above ground floor level. It would be located between 1.1m and 1.2m from the side boundary onto Stephen Avenue.

Two parking spaces would be provided for each property (as previously).

The main changes in relation to the previously dismissed scheme the proposal are:

- increase in depth of the ground floor from 7.3m to 10.3m, extending 3m beyond the rear of the host property's existing elevation
- increase the set back to the existing front elevation and extend 1m beyond the rear elevation at first floor level
- relocation of the front door to the side elevation and provision of only windows to the front elevation to Sowrey Avenue

RELEVANT HISTORY

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- P1540.12 - Single storey side extension and two storey front extension
Aprv with cons 02-04-2013
- P0965.11 - Construction of two bedroom residential house with parking and amenity space
Refuse 17-08-2011
- P1161.10 - Construction of two bedroom house
Refuse 05-10-2010
- P1487.08 - Two storey side and single storey rear extensions
Refuse 10-10-2008

CONSULTATIONS/REPRESENTATIONS

14 neighbouring occupiers were notified of the application. 4 letters have been received objecting on the following grounds:

- a very similar application was refused previously and there is no significant improvement in this application
- the proposed parking arrangement for the host property would result in a dangerous situation as the occupiers would be driving "blind" due to the parking bay in Sowrey Avenue
- loss of visibility for drivers at the junction of Stephen Avenue/Sowrey Avenue
- it would set a precedent for No.38 Sowrey Avenue to also have a new house
- loss of light due to size and mass
- prominent siting forward of the building line to Stephen Avenue will look visually intrusive and out of character locally at a busy junction
- noise and disturbance from construction works
- the front door should be onto Sowrey Avenue
- parking should not be allowed in front of the Electricity Sub Station which requires 24 hour access
- the proposal will result in a terrace which is out of character with existing semi-detached houses
- loss of value of existing houses
- insufficient parking on street and while parking is shown within the site boundaries, occupiers will park on-street causing more parking problems than currently

The Metropolitan Police Crime Prevention Design Advisor has written asking for a condition and informative to be attached to any grant of planning permission in respect of Secured by Design and also asking for conditions to be attached relating to proposed boundary treatment and cycle storage.

Thames Water has responded indicating that they do not have any objection with regard to sewerage infrastructure and with regard to surface water drainage they remind that it is the responsibility of the developer and that they need prior approval from Thames Water if they are intending to discharge to a public sewer.

The London Fire and Emergency Planning Authority have written confirming that the Brigade is satisfied with the proposals.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- CP17 - Design
- DC2 - Housing Mix and Density

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LDF

DC3 - Housing Design and Layout
DC33 - Car Parking
DC35 - Cycling
DC61 - Urban Design
DC62 - Access
DC63 - Delivering Safer Places
DC72 - Planning Obligations
SPD1 - Designing Safer Places SPD
SPD11 - Planning Obligation SPD
SPD3 - Landscaping SPD
SPD4 - Residential Extensions & Alterations SPD
SPD9 - Residential Design SPD

OTHER

LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for a new dwelling and is CIL liable. The calculation is based on gross internal floor area (gifa) which has been drawn from the submitted plans as 71 sq.m x £20 = £1,420.

STAFF COMMENTS

The main issues are the principle of development, design and layout, impact in the streetscene and on residential amenity and highways/parking.

PRINCIPLE OF DEVELOPMENT

The proposal is for a new house in the existing urban area. The site currently forms a side garden to the host property No.36 Sowrey Avenue. In line with changes to PPS3, now subsumed into the NPPF, residential gardens are no longer categorised as brown-field land, such that they should be generally be protected against further development. Nonetheless, this does not mean that all development at existing residential sites would be inappropriate in principle. In this case, the site is on a corner and would not of itself form backland development as it would affect only the existing side garden. Policy CP1 indicates that residential development would be acceptable in principle in the urban area with the proposal's acceptability depending on it being of a high quality of design and layout.

The Mayor's Housing Policy indicates minimum sizes for residential properties in Table 3.3. For a 2-bedroom, 4-person house, such as that proposed, the minimum acceptable size for everyday living is indicated as being 83 sq.m. The proposal has a gifa of 71 sq.m which is below this minimum and the proposal is therefore considered to provide substandard living space to the detriment of the amenity of future occupiers.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is for a 2-storey house, attached to a pair of semi-detached houses such that it would form a terrace in an area of almost exclusively semi-detached houses. The proposed house would be located fully forward of the building line to Stephen Avenue.

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As there is an existing wide gap to the existing development on the other side of Stephen Avenue (at No.38 Sowrey Avenue), it is considered that the proposed dwelling would appear unduly prominent at this corner location and out of character in the locality, contrary to the Residential Design SPD and Policy DC61 of the LDF.

Since the Planning Inspector's consideration, a property has received retrospective consent at 9, Stephen Avenue. Nonetheless the material circumstances, in Staff's view, differ and it is not considered that the approval of the retrospective scheme sets a precedent for development across the whole Borough, nor indeed in the relatively local area.

IMPACT ON AMENITY

The proposed dwelling would be located such that it would align with the front elevation at ground floor level with a 1m set back at first floor level in relation to the host property No. 36 Sowrey Avenue and extend 3m beyond the rear at ground floor level and 1m beyond at first floor level on the shared boundary with the host property. It would also have a reduced ridge line in relation to the host property.

It is not therefore considered that there would be any adverse impact on this neighbour (the host property) or any other neighbouring occupier's residential amenity in the locality.

HIGHWAY/PARKING

It is proposed to provide two parking spaces for each property. This would be in accordance with Policy DC2 of the LDF Core Strategy and Development Control Policies DPD. There are no other highways issues.

SECURED BY DESIGN

The CPDA does not object to the proposal, nonetheless he has requested that conditions and an informative should be attached to require details in relation to Secured by Design, if planning permission is forthcoming.

SECTION 106

Policy DC72 and the Planning Obligations SPD indicate that new residential development should pay £6,000 per unit towards infrastructure costs associated with such development. Should planning permission be forthcoming then the applicant will need to agree to sign a legal agreement to secure this amount.

KEY ISSUES/CONCLUSIONS

The proposal would, due to its siting forward of the building line to Sowrey Avenue at a prominent corner location, result in it being out of character with existing semi-detached properties and therefore out of character in the locality, contrary to Policies DC2, DC61 and the Residential Design Supplementary Planning Document.

RECOMMENDATION

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

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1. Reason for refusal - Streetscene

The proposed development would, by reason of its mass and prominent siting forward of the existing building line in Stephen Avenue, be unacceptably dominant and visually intrusive at this junction location adversely impacting on the visual amenity of the streetscene and out of character in the locality, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Design SPD.

2. REFUSAL - Non Standard

The proposal would not meet the minimum size indicated in the Mayor of London's London Plan such that occupiers would not have sufficient space for day-to-day living, resulting in a substandard level of residential amenity, contrary to Policies DC2 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. Reason for Refusal - Planning Obligation

In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the Havering Planning Obligations Supplementary Planning Document.

1 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,420. Further details with regard to CIL are available from the Council's website.

2 Refusal - No negotiation

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

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**REGULATORY
SERVICES
COMMITTEE**

18 July 2013

REPORT

Subject Heading:

P0490.13 – Dukes Hall, Maygreen Crescent

Report Author and contact details:

Demolition of single storey Community Hall (Class D1 Non Residential Institution) and erection of four storey building comprising 58 residential units with 74 parking spaces and amenity space.

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the demolition of an existing community hall and the erection of a four storey building comprising 58 residential units. The proposal would include a parking area, private and communal amenity spaces, a

new pedestrian access, cycle parking, and bin refuse storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

RECOMMENDATIONS

(A)

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:

- The sum of £348,000 towards the costs of infrastructure associated with the development in accordance with the draft Planning Obligations SPD;
- The provision of 12 units within the development as affordable housing with 6 of those units made available for social housing for rent and 6 of those units as shared ownership. Should any owners of shared equity units staircase to 100% equity, provision shall be made for any subsidy (if relevant) to be recycled for alternative affordable housing provision in accordance with Annex 2 of the National Planning Policy Framework;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid 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.

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

3. Car parking - Before 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 for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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. Vehicle Parking Arrangements – No development shall take place until a scheme detailing the proposed allocation of parking spaces has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme and retained as such for the life of the development.

Reason: In the interests of protecting the amenities of the future occupiers of ground floor flats located in close proximity to parking spaces, and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

6. Ecology – No development shall take place until details of the proposed installation of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of biodiversity and in accordance with Policy DC59 of the Development Control Policies DPD.

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

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

8. Boundary treatment and Landscaping - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. Details shall also be provided and approved relating to the proposed landscaping along the eastern and southern boundaries of the site. The development shall then be carried out in accordance with the agreed details and retained as such.

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

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

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

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

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

11. 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.

12. 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 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.

13. 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.

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;
 - a) A Phase II (Site Investigation) Report as the Phase I Desk study Report submitted as part of the planning application 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.
 - b) 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.
 - c) Following completion of measures identified in the approved remediation scheme mentioned in 1(b) 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.

15. Contaminated Land –

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 and detailing remediation targets 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.

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

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

17. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design 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 the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

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

18. Sound attenuation - The proposed dwellings shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) 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 Note 24 'Planning and Noise'.

19. Sound attenuation – No development shall take place until a scheme for protecting the proposed dwellings from adjacent commercial premises and activities has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the development.

Reason: To protect future residents against the impact of road noise in accordance with paragraph 123 of the National Planning Policy Framework and the Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural).

20. Sustainability Statement - No development shall take place until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will achieve a Code for Sustainable Homes rating of "Level 3" or higher. No occupation of the development shall take place until the developer has provided a copy of the Final Code Certificate of Compliance to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.3 of the London Plan 2011

21. Electric Vehicle Charging Facilities – No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the proposed provision and use of electric vehicle charging points on the proposed parking spaces. The approved scheme shall be implemented prior to the approved dwellings being first occupied and shall apply to at least 20% of parking spaces.

Reason: In the interests of sustainable development and in accordance with Policy 5.2 of the London Plan.

22. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

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

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

Or (B)

In the event that the Section 106 agreement is not signed and completed by the expiry of this application's statutory determination date on 19th July 2013, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of affordable housing within the development, or for meeting the necessary infrastructure costs arising from the development.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.

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

3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

4. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC59, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the relevant parts of the National Planning Policy Framework.

The proposal also accords with the provisions of Policies 3.3, 3.5, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15,

7.19 8.2 of the London Plan. Levels of parking are considered to be justified given the relatively low PTAL level of the site. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought.

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.

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.

Mayoral CIL

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 £49,620. 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.

REPORT DETAIL

1. Site Description

- 1.1 The site, which is approximately 0.5ha in area, comprises land currently in use as a community hall. A single storey, flat-roofed building is located at the southern end of the site, whilst an area of hardstanding, for access and vehicle parking, is located at the northern end of the site. A small area of land in the site's north western corner is composed of open grassland.
- 1.2 The Site's western and southern boundaries adjoin the premises of a neighbouring supermarket, with an associated petrol station, access road and parking area being located immediately to the west. The site's northern boundary lies adjacent to a public open space known as Park Lane Recreation Ground; whilst the eastern boundary abuts the public highway

along Maygreen Crescent, beyond which are a number of multi-storey blocks of flats.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of the existing community hall and the erection of a four storey, flat roofed building comprising 58 flats. The building would form an L-shape, enclosing a parking and communal amenity area in the south western corner of the site. Further parking and communal amenity spaces would be provided at the northern end of the site. The proposal would be accessed through the existing site access off Maygreen Crescent. The proposal would include 74 off-street parking spaces, which is the equivalent of 1.3 spaces per unit.
- 2.2 The proposed accommodation would comprise 16 one-bed flats and 42-two bed flats. The one bedroom flats would be in the region of 50sqm in area, whilst the two bedroom flats would be between 61sqm and 66sqm in floor area. Each of the upper floor flats would include a private balcony, and the ground floor flats a small patio area. The proposal would be clad in a mixture of materials including brick, render, weatherboard (blue grey), and UPVC glazing, with metal balcony structures and railings

3. Relevant History

- 3.1 There are no previous planning decisions of particular relevance to this application.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 128 local addresses. Two letters of representation have been received, objecting to the proposal on the following grounds:

- The proposal would impede views from neighbouring properties along Maygreen Crescent;
- The proposal would not include sufficient off-street vehicle parking;
- The proposed parking areas would cause noise, dust, and pollution nuisances to neighbouring occupiers;
- There is insufficient capacity on the public highway to accommodate the proposed development;
- The proposed construction works would be detrimental to the amenities of neighbours;
- The proposal would result in overlooking to existing residents.

- 4.3 Comments have also been received from the following:

The Environment Agency
No objections.

Crime Prevention Design Advisor
No objections; condition recommended.

Anglia Water
No objections.

Essex and Suffolk Water
No objections.

London Fire and Emergency Authority
No objections.

Environmental Health
No objections; conditions recommended in relation to air quality, contaminated land, and noise controls.

Highway Authority
No objections; conditions recommended.

London Fire and Emergency – No objections.

Housing
No objections, subject to viability assessment being acceptable.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

In addition, the Residential Design Supplementary Planning Document (“the SPD”), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

6. **Staff Comments**

6.1 The issues arising from this application are the principle of development, design and amenity considerations, environmental impact, highway and parking issues, affordable housing, community infrastructure, and other considerations.

6.2 **Principle of Development**

6.2.1 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

6.3 **Design Considerations**

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The application site has an area of approximately 0.5 hectares and proposal is for 58 units, giving a development density of approximately 116 units per hectare. Whilst this is above the density range of 30-50 units per hectare set out in Policy DC2 for a location such as this one, given the proposed provision of parking spaces, and the proximity of the proposal to bus routes and a supermarket, it is considered that the site’s location could support the proposed density of development.

6.3.3 The site is located at the edge of a broadly residential area comprising a range of house types, with traditional, two storey, pitched roof dwellings to the east, and larger scale flatted development in closer proximity. The neighbouring site to the west and south is occupied by a large supermarket and its curtilage. The application site is considered to be in a tired condition,

and it is considered that the proposal, on balance, would improve its appearance.

- 6.3.4 The application proposes the use of yellow brick as the main cladding material, along with white render, blue/grey weatherboarding, and UPVC glazing. It is recommended that a planning condition be imposed requiring the submission of samples relating to the proposed use of materials.
- 6.3.5 The scale and massing of the proposal is considered to be broadly in keeping with the character of the wider area, particularly given the existing, post war flatted development located immediately to the east of the site. The neighbouring flatted development, which would be located a minimum of 20m from the proposal, would be around 1m higher than the proposed development given the difference in land levels between the site and the surrounding land.
- 6.3.6 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Subject to the development being undertaken in accordance with the approved plans, it is considered that acceptable landscaping arrangements would be provided.
- 6.3.7 Bicycle, refuse and recycling storage would be contained within the building at ground level, and these details are considered to be acceptable in terms of the proposal's visual impact. Some of the proposed cycle storage spaces would be provided outdoors, and a condition is therefore recommended requiring further details of the proposal, including shelter.
- 6.3.8 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and Policy 7.4 of the London Plan.

6.4 Layout and Amenity Considerations

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 6.4.2 Neighbouring occupiers have objected to the proposal on the grounds that it would result in overlooking, loss of outlook, noise, and dust impacts.
- 6.4.3 The development proposes a mix of house types, including 1 and 2 bedroom flats. This complies with the aims of Policy DC2 in respect of dwelling mix. Policy 3.5 of the London Plan advises that housing

developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.

- 6.4.4 In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide private balconies for the proposed upper storey apartments, and patio areas for the ground floor flats, along with communal amenity space at ground level. Approximately 297sqm of communal amenity space would be provided at the northern end of the site, to the front of the development; whilst 362sqm would be provided at the southern end of the site within the courtyard area. It is considered that the proposed dwellings would be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 6.4.5 The site is located alongside a supermarket development, which includes access roads, a car park, and a petrol station immediately to the west of the site. It is considered that the existing boundary wall along the western and southern boundaries, which is constructed of brick and in excess of 2m in height, would provide an adequate screen at ground floor level. The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels and contaminated land, which can be imposed should planning permission be granted.
- 6.4.6 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development could, subject to conditions, provide an adequate level of amenity for the future occupiers of the development. There are some concerns about the relationship between parking spaces, within the site and outside the site along the eastern boundary, and the proposed ground floor flats, with vehicle headlights and the general use of vehicles potentially causing a nuisance to future occupiers. Also, given the lower level of the site relative to the land beyond the eastern boundary, there are also concerns about the potential for a lack of privacy, outlook, and light for those ground floor flats along the eastern side of the proposal. It is considered that these issues could be overcome through the appropriate use of landscaping and boundary treatment, along with a scheme relating to the allocation of internal parking spaces to flats. Conditions are recommended requiring the submission and approval of these details.

- 6.4.7 In relation to the impact the proposal would have on existing, neighbouring occupiers, the main impact of the proposal would be upon those occupiers of the existing flatted developments located along Maygreen Crescent, however, the proposal would be located in excess of 20m from this development and it is therefore considered that there would not be any adverse impacts in terms of overlooking, overshadowing, or a loss of outlook for these properties. A construction method statement can be required as parts of a planning condition to ensure that the impact on neighbours during construction works are kept to a minimum.
- 6.4.8 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

6.5 Environmental Impact

- 6.5.3 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted. A further condition requiring the submission of details relating to the air quality impact of the proposal is not considered to be appropriate and will not be imposed.

6.6 Parking and Highway Issues

- 6.6.1 The application proposes the retention of the site's existing access. A neighbouring occupier has objected to the proposal stating that it would result in an increase in traffic congestion in the local area.
- 6.6.2 Neighbouring occupiers have objected to the proposal on the grounds that it would not provide sufficient off-street vehicle parking spaces and that the public highway would not have adequate capacity to accommodate it.
- 6.6.3 The application proposes 74 car parking spaces, one of which would be set aside for visitors and deliveries. The proposed car parking provision would therefore equate to 1.3 spaces per dwelling. Cycle storage would also be provided further details should be requested by condition concerning the type and number of cycle storage spaces.
- 6.6.4 The site has a PTAL rating of 1-2, which translates to a lower level of public transport accessibility. The proposed level of parking provision of 1.3 falls below the 1.5-2 spaces required in accordance with Policy DC2 of the LDF, however, it is in excess of the number of spaces provided in other flatted development schemes around the borough and given the site's proximity to shopping facilities and bus routes, it is considered that the proposed

provision of vehicle parking would be adequate. One cycle storage space would be provided per unit, in accordance with the requirements of the LDF.

- 6.6.5 Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.
- 6.6.6 It is recommended that conditions be imposed relating to wheel washing facilities to prevent the deposition of mud onto the public highway during construction works. It is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage, including a shelter for outdoor cycle storage areas.
- 6.6.7 Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

6.7 Affordable Housing

- 6.7.1 Policy DC6 of the LDF states that the Council will aim to achieve 50% of all new homes built in the borough as affordable housing, and that a tenure mix of 70:30 between social rented housing and intermediate forms (such as shared ownership) will be sought. However, it is also stated that the Council, in seeking to achieve these targets, will give consideration to factors such as the viability of schemes.
- 6.7.2 The application proposes that 12 of the proposed units (approximately 21%) within the development will be provided as affordable housing. 50% of these would be available for social rent and 50% for shared ownership. As the proposed provision of affordable housing falls short of the 50% required by Policy DC6 and would not provide the required ratio of social rented and shared ownership accommodation, the applicants have been required to submit a financial viability assessment. Officers will provide Members with an update during the planning committee meeting as to the outcome of the appraisal process.
- 6.7.3 Subject to a favourable to the appraisal process having a favourable outcome, officers consider that the proposal would provide the maximum amount, and the most suitable type of tenure, of affordable housing possible whilst also remaining a viable scheme. Providing the proposed tenure mix and level of affordable housing is secured by a legal agreement, it is considered that the proposal would be in compliance with Policy DC6 of the LDF, and therefore acceptable.

6.8 Community Infrastructure

- 6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works and proposed affordable units are taken into account is 2481sqm, which equates to a Mayoral CIL payment of £49,620.
- 6.8.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £348,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

6.9 Other Considerations

- 6.9.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.
- 6.9.2 Policy DC7 of the LDF requires that 10% of all new homes on sites of 15 dwellings or more must be designed to be wheelchair accessible or be easily adaptable for residents who are wheelchair users. Of the 58 units proposed, six of them would be wheelchair accessible, including disabled parking spaces in close proximity to them (parking spaces CP06, CP07, CP14, CP22, and CP27 & CP64 on the submitted layout plan). The proposal therefore exceeds the requirements of Policy DC7 and is considered acceptable. All of the proposed dwellings would comply with Lifetime Homes standards.

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.
- 7.2 The proposal is considered to be acceptable having had regard to Policies Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC59, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Planning application P0490.13, all submitted information and plans.

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REGULATORY SERVICES COMMITTEE

18 July 2013

REPORT

Subject Heading:

P0244.13 – Elm Park Hotel, Elm Park Avenue, Elm Park

Conversion of existing first floor accommodation to form 3 no. two bedroom flats.

(Application received 6th March 2013)

Report Author and contact details:

**Simon Thelwell, 01708 432685
simon.thellwel@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 planning application relates to the conversion of existing managers and bed-sit accommodation into three two-bedroom flats.

The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

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

- A financial contribution of £18,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, 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) 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.

4) 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.

5) 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

6) Refuse and recycling: The Refuse and Recycle 660 litre wheelie bins (one for waste and for one for recycling) for the flats will be stored in a secure rear courtyard with gated access and 6 foot timber fence as indicated on drawing 12/0107/PL71 Revision C. The code to the lock will be provided to the refuse collection service and on collection day the bins will be transported by refuse staff to the refuse vehicle for emptying and returned to their original location.

Reason:

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

7) Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining properties,

INFORMATIVES

1. 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: 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. 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.

4. 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.
5. 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. In aiming to satisfy Condition 5 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).
8. 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.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is located on the northern side of Elm Park Avenue opposite Broadway Parade, Hornchurch. The site consists of a 2 storey building which has previously been used as a public house at ground floor and manager's and bedsit accommodation at first floor.
- 1.2 The site is situated within the built up area of Elm Park and is situated in an area within a main shopping street with typically small retail units on the ground floor and residential accommodation above.

2. Description of Proposal

- 2.1 The development does not propose any new Elevation changes. The existing commercial unit on the ground floor will remain. The proposal consists of alterations to the existing managers and bed-sit accommodation on the first floor, with these areas being converted into three two-bedroom apartments.
- 2.2 The proposed flats would consist of a kitchen/living room, two bedrooms and a bathroom. The proposed flats would have internal floor space measuring 66.4m², 71.6m² and 66.8m² respectively. Access to the first floor flats would be gained via an internal communal staircase as well as a fire escape external stair to the rear.
- 2.3 No parking spaces are proposed. There is a secure space in the rear yard area, for refuse bin storage. Although the applicant has not made provision for cycle storage this could be achieved by imposing a condition in the event of an approval.

3. Relevant History

- 3.1 A0015.13 - 4 x Illuminated Fascia signs, 1 x Illuminated Hanging sign, 1 x ATM Surround and 1 x Wall Branding Sign - Approved with conditions.

D0213.12 - Certificate of lawfulness for vehicle delivery area at the front of the property - Planning permission not required.

P1488.12 - Installation of mechanical plant to the rear of property including 3no. free standing condenser units - Approved with conditions.

P1359.12 - Alteration to shop windows - Approved with conditions.

P1357.12 - Existing double door to be replaced with automatic sliding doors - Approved with conditions.

P1355.12 - Removal of existing double door set entrance opening for installation of new ATM cash machine within glazed screen surround, including security camera and light. Entrance ramp with handrail - Approved with conditions.

P1048.10 - Change of Use from furniture shop to tattoo parlour – Approve with conditions.

4. Consultations/Representations

- 4.1 Neighbouring notifications were sent to 44 neighbouring properties. No representations have been received.
- 4.2 The London Fire and Emergency Planning Authority is satisfied with the proposal.

- 4.3 Environmental Health has requested conditions for noise insulation and restricted construction and delivery hours.
- 4.4 The Borough Crime Prevention Design Advisor raises no objection subject to the imposition of planning conditions covering the submission of a Secure by Design application and a management statement.
- 4.5 Highways raised no objection to the proposal as the site is situated within the Elm Park PTAL zone which requires less than 1 parking space per unit.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), 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), Draft 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) and 8.3 (Community Infrastructure Levy) 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 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

7. Principle of Development

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas and Romford Town Centre. 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. The Council will generally require the redevelopment for housing of commercial sites which become available for development.

- 7.2 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 61m² for a 2-bed 3-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable.
- 7.3 Policy CP1 indicates that outside the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a vacant building to provide residential flats at first floor. 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.

8. Density and Amenity Space

- 8.1 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.
- 8.2 The proposal would involve the conversion of the existing first floor to provide 3 no. flats. The subject site has only limited space to the rear of the property. The space to the rear will be utilised by the retail unit at ground floor for parking, refuse storage and deliveries. It is therefore not possible to provide amenity space on site. It should however be noted that similar scenarios exist elsewhere in the borough in Town Centre locations, where there are flats situated above commercial premises with no amenity space provision. Staff do not consider the lack of amenity space to be unacceptable given the site constraints, however this issue will be a matter of judgement for Members to debate.
- 8.3 The residential density range for this site is 50 - 80 units per hectare and 200-250 habitable rooms per hectare. The proposal would result in a density of approximately 13 units per hectare and 41 habitable rooms per hectare. Although this is in the recommended range consideration should be given to the unique site constraints and the mixed use of the current building.

9. Design and Visual Impact

9.1 The proposal would not involve external changes to the subject building and would therefore not result in any impact to the streetscene or surrounding area. The signage of the retail unit was approved as part of a separate planning application.

10. Impact on Amenity

10.1 The proposal would not result in any external additions or changes to the existing fenestration and would therefore not result in additional overlooking to that which is currently present on site. Staff consider any overlooking from the existing rear windows to be acceptable as the nearest residential property is situated approximately 40m away. The existing flank window to the southwestern elevation would also not result in harm to neighbouring amenity as it overlooks commercial premises.

10.2 The proposed development would only involve internal changes, is well removed from residential properties and is therefore not considered to result in any impact on neighbouring amenity.

11. Highways / Parking Issues

11.1 No parking provision is made for the proposed residential development. Highways has stated that the subject site is located in The Elm Park PTAL zone which has a parking requirement of less than 1 space per unit.

11.2 Given the surrounding commercial area and that flatted development normally require less parking spaces, Staff consider the lack of parking spaces to be acceptable, however this issue will be a matter of judgement for Members to debate.

11.3 The proposal does not include cycle storage provision. A condition will however be attached in the event of an approval to provide cycle storage.

12. The Mayor's Community Infrastructure Levy

12.1 The proposed residential development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as it would not involve the creation of new residential floor space.

13. Planning Obligations

13.1 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 £18,000.

14. Other Issues

14.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in

principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

- 14.2 The Refuse and Recycle 660 litre wheelie bins (one for waste and for one for recycling) for the flats will be stored in a secure rear courtyard with gated access and 6 foot timber fence. The code to the lock will be provided to the refuse collection service and on collection day the bins will be transported by refuse staff to the refuse vehicle for emptying and returned to their original location.

15. Conclusion

- 15.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. Staff has considered the lack of parking provision and amenity space to be acceptable, however these issue will be a matter of judgement for Members to debate. It is recommended that planning permission be granted, subject to the completion of the relevant legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement

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:

None

BACKGROUND PAPERS

Application forms and plans received on 6th March 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

18 July 2013

Subject Heading:

P0732.13: Car park at former Romford Ice Rink, Rom Valley Way, Romford

Change of use of existing ice rink car park to a public 'pay & display' car park (application received 18 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	[]
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	[]
Delivering high customer satisfaction and a stable council tax	[X]

SUMMARY

The application has been submitted on behalf of the Council and concerns the proposed use of the car park associated with the former Romford Ice Rink as a

public 'pay & display' car park. The proposal is considered to raise no material adverse impacts and it is recommended that planning permission be granted.

RECOMMENDATIONS

Subject to there being no direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) 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 plans and documents set out on page 1 of the decision notice.

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

INFORMATIVE:

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

REASON FOR APPROVAL:

The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 6.1, 6.3, 6.12, 6.13 and 7.4 of the London Plan and Policies CP10, DC32, DC33 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises the car park of the former Romford Ice Rink, which is located to the western side of Rom Valley Way, south of the junction with Oldchurch Road.

- 1.2 The car park was constructed with the ice rink building and has been used as parking for the ice rink facility, together with some use of the facilities as paid for parking by the NHS Trust, who are responsible for the operation of the adjacent Queens Hospital. The ice rink is no longer in use and ceased to operate in mid-April. In the interim the car park is being used by Queens Hospital staff for parking. The car park is accessed from Rom Valley Way, from an existing signal controlled access.
- 1.3 The Council has recently resolved to grant planning permission for the redevelopment of the ice rink site to create a new foodstore with petrol filling station and residential development. This is however subject to statutory referral procedures to the Mayor for London and the Secretary of State, which are currently ongoing and a formal decision on the proposals has not yet been issued. If planning permission for this site is granted it is not envisaged that the developers would take full occupation of the site for a number of months.

2. Description of Proposal

- 2.1 The application seeks a change of use of the existing car park to enable it to be used as a public 'pay & display' facility. Permission is needed as the car park is presently required to be used in connection with the former ice rink building and no permission exists for it to be used independently of the ice rink.
- 2.2 No changes to the layout or surfacing of the car park are proposed through the application. The site currently provides around 250 parking spaces: approximately 102 on a grasscrete area within the site and 148 marked out spaces on a tarmac hardstanding, which include 8 coach parking bays and 10 blue badge parking bays. There will be no change to existing access/egress arrangements. The only physical changes to the site are the installation of pay and display machines and necessary signage. These are not subject of this planning application and do not need planning permission in their own right.

3. Relevant History

- 3.1 The site has been used for a number of years in connection with the Rom Valley Ice Rink. Other applications of relevance to the current proposals are as follows:

F0002.12 Prior approval request for the proposed demolition of Rom Valley Ice Rink – granted.

Z0010.12 Screening opinion for mixed use development – EIA not required.

Z0011.12 Screening opinion for Environmental Impact Assessment for demolition of Rom Valley Ice Rink – EIA not required.

P1468.12 Proposed foodstore within Class A1 (retail) use, petrol filling station, associated parking and landscaping, alterations to existing access to Rom Valley Way and formation of new access/egress on to Rom Valley Way; and outline planning application for a residential scheme of up to 71 units comprising a mix of 3 bedroom town houses and two blocks of 1 and 2 bed flats (access only to be considered) – resolved to approve subject to no contrary direction.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 85 local addresses. At the time of writing this report no letters of representation have been received. The neighbour notification period expired on 9 July 2013 and Members will be updated orally at the meeting if any representations are received.
- 4.2 Streetcare have raised no objections on highways grounds.
- 4.3 The Police Borough Crime Prevention Design Advisor has raised no issues.

5. Relevant Policies

- 5.1 The National Planning Policy Framework is a material planning consideration, as are Policies 6.1, 6.3, 6.12, 6.13 and 7.4 of the London Plan. Policies CP10, DC32, DC33 and DC61 of the Core Strategy and Development Control Policies Development Plan Document are material considerations.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of the proposed change of use and the impact of the development, including on users of the car park, local amenity and the public highway.

6.2 Principle of Use

- 6.2.1 The existing car park has traditionally been operated in conjunction with the Romford Ice Rink, although even during this time there has been an agreement for Queens Hospital Trust to utilise some of the spaces and the ice rink has operated the car park on a pay and display basis for visitors not using the ice rink. More recently, during the winding down and closure of the ice rink, there has been agreement with the adjacent Queens Hospital that the car park can be used for the parking of staff and visitors to the hospital as an interim arrangement.
- 6.2.2 The current proposals would see the use of the car park changing from an incidental facility to the ice rink to a separate use as a public 'pay & display' car park. Given that the ice rink is no longer operational it is judged that there is no in principle objection to the change of use of the land. It is likely, in any event, that the use of the land as a 'pay & display' car park would not

be permanent if the anticipated redevelopment of the site to form a new foodstore and residential development goes ahead.

6.3 Impact of the Development

- 6.3.1 The proposal will maintain parking facilities in this part of Romford. The car park is conveniently located for visitors to Queens Hospital as well as for pedestrian access to the town centre and it is considered that introduction of a public car park would be to the benefit of people wishing to access either the hospital or the town, particularly in view of existing parking constraints within the hospital grounds. It is likely that the opening up of the car park as a public parking facility could also reduce demand for on-street parking in other nearby residential roads, which would benefit the local highway network generally.
- 6.3.2 The proposal involves no material changes to the layout of the car park and no significant new development such that no material harm to the character and appearance of the car park, or to the amenity of nearby occupiers would result. The car park would be operational 24 hours a day, seven days a week but this is no different to the existing situation. As a local authority owned car-park, the Council would retain responsibility for any ongoing maintenance of the facility as it does for other car parks in its ownership.
- 6.3.3 There is no material change to the public highway or the ingress/egress routes of the car park, or change to the capacity of the car park. Staff do not therefore consider any material highway impacts would arise from the proposed change of use.

7. Conclusion

- 7.1 The proposed change of use to a public 'pay & display' car park is acceptable in principle. It is considered that there would be no material impact on the character of the locality, or on neighbouring amenity and the functioning of the public highway.
- 7.2 The proposal is acceptable in all material respects and it is therefore recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly resulting from this planning application.

Legal implications and risks:

Legal resources would be required in respect of traffic management orders but not directly in respect of the planning proposal.

Human Resources implications and risks:

None.

Equalities implications and risks:

The site is a publicly accessible car park, which is suitable for a wide range of users, including blue badge holders and the proposed change of use raises no specific equalities implications or risks.

BACKGROUND PAPERS

Application P0732.13 received on 18 June 2013.

**REGULATORY
SERVICES
COMMITTEE**

18 July 2013

REPORT

Subject Heading:

**P0361.13: Briar Site 2A-
Garage/parking court adjacent to 9a
Myrtle Road and Okehampton Road,
Romford**

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

**Demolition of garages and erection of
two storey block of flats (4 x 1 bed) and
pair of semi-detached houses (2 x 3
bed); creation of parking (application
received 28 March 2013; revised plans
received 11 June 2013)**

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 £5,860.00. This is based on the creation of 293m² of new gross internal floor space.

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

- A financial contribution of £36,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

4. Essex & Suffolk Water advise there are mains in the vicinity of the development and development within 3 metres of the main will not be accepted. The applicant should contact Essex & Suffolk Water for further information.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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

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

Reason for Approval:

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a garage and parking court located on the west side of Okehampton Road, to the north of its junction with Myrtle Road. The site currently includes two separate garage blocks and some areas of grass verge. To the immediate west of the site is no. 91 Myrtle Road; further west the site is backed on to by dwellings fronting Straight Road. Ground levels fall gently from the north to the south of the site.

2. Description of Proposal

- 2.1 The application proposes the construction of 4 no. one bed flats and 2 no. three bed houses. The flats would be within a two storey building to be located at the southern end of the site, which would be linked via a single storey refuse/cycle store building, to the proposed two storey pair of semi-detached houses, which are to be located at the northern end of the site.

- 2.2 The proposed flatted building measures 18m long and 9m deep. It is finished with a tiled, gable ended roof that rises to a maximum of 9.2m high, taking into account variations in ground level. The pair of semi-detached houses is 18.6m long and 6.5m deep. They are of a similar, traditional design and construction to the flats but slightly lower, with a ridge height of around 8m high taking into account variations in ground level.
- 2.3 The application proposes seven on site parking spaces, which are allocated for use by occupiers of the proposed development. The application drawings indicate that there will be further surface parking on garage land to the north of the application site but this does not form part of this application.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 30 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee during May and June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 30 local addresses. Two letters of representation, including one letter with five signatories, have been received, objecting on the following grounds:
- the application encroaches on land and Rights of Way of Straight Road properties. Spaces cannot be used without encroaching on land owned by these properties
 - will be unsafe for children
 - drawings indicate changes to parking on Okehampton Square suggesting some form of controlled parking scheme is proposed
 - parking in Okehampton Square not all shown correctly
 - for the above reasons, proposal contrary to planning policy and the submitted transport assessment
- 4.2 Councillor Darvill has written in specifically raising the issue of land ownership and encroachment onto land outside the applicants ownership, as well as 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 or fire fighting access.
- 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 is currently used as garages and hard standing for parking. The site already has a developed character and the proposed development is not therefore considered, in principle, to materially harm the existing character of the estate.
- 6.4.2 The proposed development would sit close to the edge of the highway on the western side of Okehampton Road and would be further forward in the street scene than the building line set by the terrace of houses at 1a-9a Myrtle Road. This will give it a degree of prominence in the streetscene. This is however considered to be acceptable as to the Okehampton Road streetscene, the units will have a front garden of some 1.6m deep, which provides a setting for the building and prevents it from being visually overbearing. To the Myrtle Road frontage, the development does not project beyond the demise of the front boundary of neighbouring houses and is set back from the highway by an existing footpath and a retained area of grass verge. The flank elevation of the proposed flatted building faces on to the Myrtle Road streetscene but is designed with a projecting bay window at first floor level, which is considered to add visual interest to the end elevation.
- 6.4.3 The proposed buildings are two storeys in height and are considered to be of a scale and massing which is compatible with the character of development locally. There are both houses and flats in the locality and the flatted building is designed to be of a scale which reflects that of nearby development, as well as relating well to the scale of the proposed semi-detached dwellings. The flatted building is separated from the semi's by a single storey link, containing the refuse storage and cycle storage facilities for the flats, which serves to break down the perceived length of the building.
- 6.4.4 Each dwelling is provided with private, rear amenity space of around 9m in depth, which is judged to be of an acceptable size, private and well screened. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment. The flats have a private rear amenity area and the upper floor flats also have

balconies, which are considered to meet the needs of prospective occupiers of the development.

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

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

6.5 Impact on Amenity

6.5.1 The property most directly affected by the proposed development is no.9a Myrtle Road, which adjoins the western boundary of the application site. The proposed development will back on to this boundary. The flats back on to the boundary at a distance that varies from 3m at the southern end of the site increasing to 5m. The position of the flats is such that they will generally back on to the flank wall or front garden of no.9a Myrtle Road and would not therefore be overbearing or result in a material loss of privacy. Balconies to the flats are on the eastern side of the building facing towards Okehampton Road. One of the proposed houses backs on to the boundary with no.9a but at an increased distance that is generally 9m (save for a pinch point where the wall is angled). Staff are satisfied that this distance is sufficient to ensure the amenities of the adjoining occupiers are adequately maintained.

6.5.2 The most northerly of the proposed dwellings backs on to the rear boundary of Straight Road houses but given these properties have garden depths in the region of 20m they would not be materially affected by the proposed dwellings.

6.5.3 Dwellings on the eastern side of Okehampton Road are separated from the development by a distance of at least 10m, although generally more, across the public highway and are not considered to be materially affected by the proposed development.

6.6 Parking and Highway Issues

6.6.1 The application proposals a total of seven parking spaces to be allocated to the proposed development at a ratio of 2 spaces per dwelling and 1 space per flat. In combination this meets the LDF parking requirement of 2-1.5 spaces per unit, although it is acknowledged that each flat would in reality have only one parking space each. This would not be sufficiently below the standard to justify refusal. It is further noted that the application indicates the opportunity to demolish existing garages and provide further surface parking to the north of the proposed development. This cannot specifically be taken into account as part of the application as it does not form part of the detailed proposals. Nonetheless, it should be acknowledged that this application should be considered in the context 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. The development makes provision for cycle storage for the flats and also for refuse storage for the flats. These arrangements are considered to be acceptable.

6.7 Infrastructure

- 6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £30,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

6.8 Other Issues

- 6.8.1 The representations received in respect of land ownership issues have been noted. At the request of Staff, the applicant has looked into this matter in greater detail and has adjusted the site boundaries to ensure this is correctly represented on the application drawings. The issue of land ownership is not a material planning consideration, rather it is a private matter to be resolved between the respective parties and Staff are satisfied that all has been done

that can reasonably be required at this stage to address this issue. It is not considered to constitute material grounds for refusal of the application.

- 6.8.2 Issues have also been raised regarding how parking outside of the site, both existing and proposed has been shown. These concerns relate to land outside of the application site boundaries and do not affect consideration of the proposed development. Planning staff are also not aware of any proposals to introduce controlled parking zones in the vicinity of the application site.

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 293 square metres (413 less 120 squares of garage floorspace), which equates to a Mayoral CIL payment of £5,860 subject to future indexation.
- 7.2 It is open to the developer to make an application for social housing relief in respect of those units which are provided as affordable housing.

8. Conclusion

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

18 July 2013

REPORT

Subject Heading:

**P0384.13: Briar Site 10E- Open Space
between 13 Honeysuckle Close, 19
Tulip Close & 34 Myrtle Road, Romford**

Report Author and contact details:

**Erection of two storey building
providing a terrace of three houses (1 x
2 bed and 2 x 3 bed); creation of
parking (application received 28 March
2013; revised plans received 18 June
2013)**

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

Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	<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 £5,540.00. This is based on the creation of 277m² 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 site comprises an area of open space, which is located to the south of no. 13 Honeysuckle Close and north of no.19 Tulip Close. To the east of the site are residential properties at 20-22 Tulip Close and to the west are a terrace of houses at 34-42 Myrtle Road, as well as a parking area. Ground levels fall gently from the west to the east of the site.

2. Description of Proposal

- 2.1 The application is for a terrace of 3 no. dwellings, which will adjoin the north facing flank wall of no. 19 Tulip Close. There will be one no. 2 bed house and 2 no. 3 bed houses.
- 2.2 The proposed terrace has an overall length of 16.8m and has a slightly staggered depth of 9.8m at its southern end and 10.3m at its northern end.

The proposal has been revised to set the entire terrace back a further 1m into the site. The dwellings are of a traditional design and materials and are two storeys high, measuring 9.1m high to ridge. Each dwelling will have private rear amenity space.

- 2.3 The application does not propose any on site parking. The application indicates that on street parking will be provided on Myrtle Road but this does not specifically form part of this application.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 30 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee during May and June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 31 local addresses. Two letters of representation (from the same address) have been received, objecting on the following grounds:

- there are already problems with anti-social behaviour here. Proposal to add a further three families will only make situation worse
- loss of children's play area and green space

Following the receipt of revised plans a further round of neighbour notification has been undertaken. The latest consultation period had not expired at the time of writing this report but Members will be advised orally at the meeting if any new material planning considerations are raised.

- 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. London Fire and Emergency Planning Authority have raised no objection in respect of firefighting access.
- 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 adjoined on all sides by residential development. It is not therefore considered that building on this site would harm the intrinsic character of the Briar Road Estate as a whole.

6.4.2 The proposed development would effectively continue the existing terrace of houses to the south of the site in a northerly direction and it is considered that this would acceptably integrate with the exiting pattern of development locally. No material harm to local character or amenity is considered to result. The proposed houses are two storey, as are others in the locality. The proposed dwellings will however be taller than neighbouring development, primarily owing to the differing roof design and pitches. The proposed dwellings are not taller than neighbouring houses to the extent that they appear materially out of character, particularly as they are not readily visible from the public highway. The eaves line of the proposed dwellings is also generally consistent with that of neighbouring property, which provides a degree of continuity with adjoining development.

6.4.3 Each dwelling is provided with private, rear amenity space, which is some 7.5m deep and has an area in the region of 41 square metres per dwelling. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered to comply with the aims of the Residential Design SPD and provide a suitable quality living environment.

6.4.4 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 south of the site, no.19 Tulip Close. Following revisions to the proposal, the rear wall of the proposed terrace will extend 1.8m beyond the rear wall of no.19 Tulip Close. The extent of the projection is not considered to be excessive and as no.19 Tulip Close lies to the south of the proposed new dwellings it is judged that the proposal would not result in a material loss of amenity to occupiers of this property. To the north the proposed development is side on to the flank wall of no. 13 Honeysuckle Close. This property has no flank windows and there is a separation distance of 2.5m flank to flank. This property will not therefore be materially affected by the proposed development.
- 6.5.2 To the west, the proposed houses back on to the flank wall or the front garden of no. 34 Myrtle Road so will not materially impact the privacy of amenity of the occupiers of this property. The garden depths of the proposed dwellings have been reduced to 7.5-8m deep by the revisions to this proposal. This distance is however considered to be sufficient to provide an acceptable degree of amenity for future occupiers of the proposed development.
- 6.5.4 The dwellings to the eastern side of the site, 20-22 Tulip Close, back on to the site. The proposals have been revised to create an improved relationship between the proposed dwellings and the neighbouring houses to the east. There is a distance of approximately 15.5m between the front elevation of the proposed houses and the rear elevation of the Tulip Close properties. The front elevation of the dwellings is around 6.5m from the rear fence line of the Tulip Close properties. It is acknowledged that this is a relatively close relationship but does not present a greater degree of overlooking than occurs nearby with windows facing towards opposite rear gardens. It is noted also that proposed ground floor front windows are predominantly to non-habitable rooms, whilst first floor windows to the front elevation of the proposed houses serve a mix of bedrooms and bathrooms. Although the acceptability of the relationship is a matter of judgement, it is considered on balance that the greater degree of separation created by the revised proposals and the similarity to existing relationships in the locality is such that the relationship is acceptable.

6.6 Parking and Highway Issues

- 6.6.1 There is no parking provision made by this application, nor is it possible to do so given that the site is not directly served by a vehicular highway. The proposal indicates that five parking spaces could be provided nearby within Myrtle Road but these do not form part of the application. However, although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

- 6.6.2 A detailed transport assessment has been carried out, taking into consideration to whole of the estate and the complete package of parking proposals. It notes that the estate as a whole has a wide range and number of unit types and is served by a combination of surface parking spaces and garages, with some properties having in curtilage parking. The estate typically has dwellings arranged around green spaces and recreational areas, with a large proportion of parking provided in rear parking areas connected by alleyways and footpaths.
- 6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.
- 6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.
- 6.6.5 Highways have raised no objection on highway safety or traffic movement grounds. 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.

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 internal gross floor area of 277 square

metres, which equates to a Mayoral CIL payment of £5,540 subject to future indexation.

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

8. Conclusion

- 8.1 The proposed development is acceptable in principle. The design, siting and layout of the proposed development is considered to be in keeping with local character and not to result in any material harm to residential amenity. The development provides an acceptable level of parking for the new dwellings and, considered in conjunction with the wider package of improvement proposals for the Briar Road Estate, is considered to have an acceptable impact on parking and the public highways across the estate as a whole.
- 8.2 The proposal will contribute towards wider regeneration objectives within this part of the Borough and is considered to be acceptable. It is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

18 July 2013

Subject Heading:

P0370.13: Briar Site 7A- Land at Clematis Close, Romford

Erection of two storey building providing a terrace of six houses (6 x3 bed); creation of parking (application received 28 March 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The application forms part of a package of planning applications for development within the Briar Road Estate. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and,

subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be £11,540.00. This is based on the creation of 577m² of new gross internal floor space.

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

- A financial contribution of £36,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

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

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

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

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

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

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

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

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

6. Boundary Treatment – The development hereby approved shall not be occupied until boundary acoustic 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. Mechanical Ventilation – Before any of the development hereby permitted is commenced, details of the ventilation system to be installed in each of the houses shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system(s) shall be installed in accordance with the approved details prior to first occupation of the dwellings and shall be retained thereafter.

Reason: In order to protect future occupiers from noise from nearby industrial premises and to ensure adequate ventilation, in accordance with Policy DC55 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

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

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

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

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

Reason for Approval:

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south-east side of Clematis Close, at its junction with Briar Road. The site comprises part of an existing area of grass verge. There are no trees on the verge although there is some vegetation, mainly bramble to the north-east and south-east site boundaries. The site has an area of area of 0.12 hectares. The site is generally level, although there is a raised section of verge along the western boundary of the site.

- 1.2 The site backs on to the Harold Hill Industrial Estate and there are workshop buildings with associated yard areas adjoining the north-east, south/south-east boundaries of the site. There are two storey residential properties to the west of the application site.

2. Description of Proposal

- 2.1 The application is for development of the site to provide a terrace of 6 no. three bed houses. The terrace would back on to the north-eastern boundary of the site and face in a south-westerly direction. The terrace would have an overall length of 36m and a depth of 10.2m. The height of the dwellings will be 9.2m to the ridge of a gabled ended roof. The dwellings are of traditional design and construction, brick with a tiled roof. Each of the dwellings has private rear amenity space.
- 2.2 A vehicular access to the site will be created from Clematis Close. It is proposed to provide 12 surface parking spaces within the development. The plans also indicate that further surface parking will be created on the remainder of the grass verge but this is outside of the application site and does not form part of the consideration of this application.

3. Relevant History

- 3.1 None of specific relevance to this site. The application forms part of a package of planning applications relating to the Briar Road Estate. Further details of this project and how it fits into the wider Harold Hill Ambitions programme are set out in section 6 of this report. Members will however be aware that a total of 30 planning applications, which were also submitted as part of this package of proposals, have previously been considered by the Regulatory Services Committee during May and June. All were approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 30 local addresses. One letter of representation, containing 11 signatories, and a further letter of representation from an occupier of an adjacent industrial unit have been received. Objections were raised on the following grounds:

- increased traffic and insufficient parking
- overlooking and feeling of enclosure
- loss of sunlight
- loss of green spaces
- harmful to physical and mental wellbeing

The objection from the occupier of the industrial unit raises the following issues:

- concerns about the timing and extent of noise surveys that were initially undertaken

- residential development will not be compatible with use of the adjacent industrial premises, which may affect or restrict operation of the commercial premises in the future
- residents would be affected by noise and the impact of floodlighting
- the location of the proposed houses may make it difficult for the industrial premises to get permission to expand if they wished to do so in the future.

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

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

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

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

- 4.3 The proposals have been exhibited at a public meeting on the estate on April 24th, attended by more than 80 residents, and subsequently in the Briar Road Information Shop located at no 17 Briar Road.
- 4.4 The fire brigade (water and access) have raised no objection to the proposals.
- 4.5 The Borough Crime Prevention Design Advisor raises no objection to the proposals. A community safety related condition is requested if permission is granted.

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

5. Relevant Policies

5.1 The National Planning Policy Framework

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

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

6. Staff Comments

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

6.2 Background

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

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

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

6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has

contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.

- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

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

'round table' workshops with residents during June and July 2010, followed by officers discussions during the autumn. The result was the **Briar Development Brief and Improvement Proposals** setting out the proposed physical improvements to the estate. This work designed a range of detailed environmental improvements.

6.2.12 In October 2011 the Council appointed Notting Hill housing Trust as its development partner to build then new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 **Principle of Development**

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 **Layout, Design and Visual Impact**

6.4.1 The proposed new dwellings would sit on land that currently comprises open space. The loss of the open space is considered to be acceptable in principle as the development forms part of the Briar Development Brief and Improvement Proposals which, in mitigation for the loss of some areas of open space, provides for environmental improvements across the estate as a whole. The area of open space to be lost, whilst of a reasonable size, is not considered to be particularly high quality as it contains little in the way of landscape features and is enclosed by the industrial estate to its northern and south-easterly sides. 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 terrace of houses are positioned at the north-eastern end of the site and are set at an angle. The footprint and layout of the development is considered to fit comfortably within the boundaries of the site and to provide a reasonably spacious form of development. The development will effectively be side-on to Briar Road but is set off the boundary of the site, which will enable the provision of new planting. It is considered the degree

of set back would be sufficient to prevent an overbearing impact in the streetscene and the new planting would give a sufficiently soft edge to the boundary. The proposed houses are two storey and of a scale and character that is compatible with the prevailing character of development locally.

6.4.3 Each dwelling is provided with private, rear amenity space, which is some 9m deep and has an area in the region of 50 square metres per dwelling. The amenity space is consistent in size with the prevailing pattern of development locally and is sufficiently private and well screened to provide a useable amenity area. Therefore it is considered in principle to comply with the aims of the Residential Design SPD and provide a suitable quality living environment. It is noted that the site adjoins the Harold Hill Industrial Estate and this raises issues regarding the quality of the living environment for future occupiers. A noise assessment has been submitted with the application and further noise assessment works have been undertaken. The conclusion of the acoustic report are that subject to the installation of an acoustic fence, 2 metres in height, and installation of double glazing and mechanical ventilation, the proposed houses would not suffer any higher levels of noise than surrounding residential properties. The provision of acoustic fencing and mechanical ventilation would be secured by condition.

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 terrace of houses does not directly adjoin the boundary with any other existing residential properties. The nearest existing dwellings to the site are the terraced houses at 2-6 Clematis Close to the south-west of the site and no.129 Briar Road, to the north-west of the site. Both properties are well separated from the application site, across the public highway, and it is considered the new dwellings would not materially impact on the amenity of the occupiers of these properties.

6.5.2 The application site is located directly adjacent to an industrial estate and consideration must be given to the quality of the living environment for future occupiers of the proposed development. As mentioned in paragraph 6.4.3 a noise assessment has been carried out to assess the impact of the operation of the adjacent industrial site on the future living environment. This report has concluded that noise levels are such that appropriate living conditions could be provided providing the new dwellings are fitted with double glazing and mechanical ventilation and that a suitable acoustic barrier is constructed to the boundary of the site with the neighbouring commercial uses.

6.5.3 Staff have considered nuisance from factors other than noise, primarily from the likelihood of some form of floodlighting being used to the rear of neighbouring properties during the winter months. Staff however consider that the position of the terrace angled away from the boundary would assist in mitigating any significant issues. The proposed dwelling nearest the south-eastern boundary of the site has a first floor bathroom window to the front elevation closest to the boundary and this will further limit any adverse impact from neighbouring lighting. To some extent, the character of the surrounding area is a matter for consideration for future occupiers before moving into the properties. Furthermore, although new development should not unreasonably impede on the operation of adjacent, existing commercial premises there is still an expectation that adjoining premises will operate in a manner that meets relevant environmental legislation. Staff are therefore satisfied, on balance, that the proposed development would provide a suitable living environment.

6.6 Parking and Highway Issues

6.6.1 The proposed development will provide a total of 12 parking spaces, which is equivalent to 2 spaces per dwelling. This will meet the LDF parking requirement of 1.5-2 spaces per dwelling. The development does not involve the loss of any existing parking within the estate. The plans indicate that further parking could also be provided on land to the south-west of the application site, although this does not form part of the proposals. The proposal is considered to be acceptable in parking terms. Furthermore, although this application needs to be considered on its own merits, it forms part of a package of proposals for parking provision in the Briar estate and the parking implications of the development need to be considered in the context of the proposed parking strategy for the estate as a whole.

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

6.6.3 The parking strategy for the proposals is based on the premise that a number of the existing parking areas are under utilised, probably due to lack of natural surveillance, which leaves them prone to vandalism and incidents of anti-social behaviour. Parking surveys have been carried out within the estate to support this view. They suggest that of 656 marked parking bays, some 518 are used on a regular basis. Of the 387 garages across the estate, 216 are currently un-let and in a derelict state.

6.6.4 Overall the proposal will remove a total of 277 garages and 335 marked parking spaces but will provide 526 new parking spaces for existing

residents and 159 parking spaces for new residents. Viewed in the overall context of the regeneration proposals, Staff consider that the loss of parking resulting from this application would be compensated for by the wider package of the parking strategy, such that no material harm on parking grounds is considered likely to occur.

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

6.7 Infrastructure

6.7.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £36,000 to be used towards the infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.

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 internal gross floor area of 577 square metres, which equates to a Mayoral CIL payment of £11,540 subject to future indexation.

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

8. Conclusion

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

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

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

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REGULATORY SERVICES COMMITTEE

REPORT

18 July 2013

Subject Heading:

Planning Contravention
Sylvan Glade
Benskins Lane. Noak Hill

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685
simon.thelwell@havering.gov.uk

Policy context:

Local Development Framework

Financial summary:

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

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

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

SUMMARY

This report concerns rural land at the rear of Sylvan Glade, Benskins Lane, Noak Hill which is within the Metropolitan Green Belt. The land is to the rear of the residential curtilage and does not benefit from residential or any other accepted use. In 2012 the Planning Enforcement service received a complaint that travellers had moved onto the land with 5 caravans and associated vehicles, this was confirmed during a site visit by staff. The owner of the property does not live at the address and it has not been possible to contact him to discuss this matter.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, by 6 months:

1. Cease the unauthorised use of the land, to the rear of the main residence, for residential purposes
2. Remove all caravans, vehicles and equipment associated with the unauthorised residential use

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**

The land in question is situated in Benskins Lane which is a private road off Church Road, Noak Hill; this is within the Metropolitan Green Belt. Sylvan Glade is situated at the northern end of Benskins Lane and is a private residence with a large area of land at the rear which does not benefit from any authorised use.

This report refers to an unauthorised change of use of the land to the rear of the residential property for the purposes of residential use by the placement of 5 travellers caravans and associated vehicles.

2. **Relevant Planning and Enforcement History**

P0883.06 – Retention of outbuilding - Refused

Enforcement Notice - 31 March 1992 – Development by formation of hardstanding and erection of three buildings.
Appeal dismissed – Notice upheld with minor variations.

Enforcement Notice - 2 April 1992 – Use for industrial purposes, storage, parking of vehicles other than residential.
Appeal dismissed and notice upheld in full.

Enforcement Notices – 18 September 2007 – Development by formation of hardstanding and erection of an outbuilding. Change of use for storage of building materials, scaffolding, vehicles and waste materials.
Appeal dismissed – Notices upheld with minor variations.

3. **The Alleged Planning Contravention**

An unauthorised change of use of the non-residential land at the rear of the dwelling to a residential use by the stationing of residential caravans and vehicles.

4. **Policy and Other Material Considerations**

The site is within the Green Belt. The National Planning Policy Framework does not consider changes of use to be appropriate development in the Green Belt. The rear part of the site does not have any authorised use and forms part of the open area of the rural Green Belt in this part of the Borough. The residential use, with the stationing of caravans, parking of vehicles and other residential paraphernalia significantly reduces the openness of this part of the Green Belt.

For the above reasons, the site is not considered to be appropriate for residential use and should a planning application be submitted it would likely be refused.

As well as being contrary to national planning policy, the breach is also contrary to Policy DC45 (Green Belts) of the LDF.

5. **Recommendation for action**

Given the unauthorised use and the intensified use of the land it is deemed unlikely that planning permission would be granted as planning conditions could not overcome the impact on the Green Belt.

It is therefore recommended that an Enforcement Notice be served.

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:

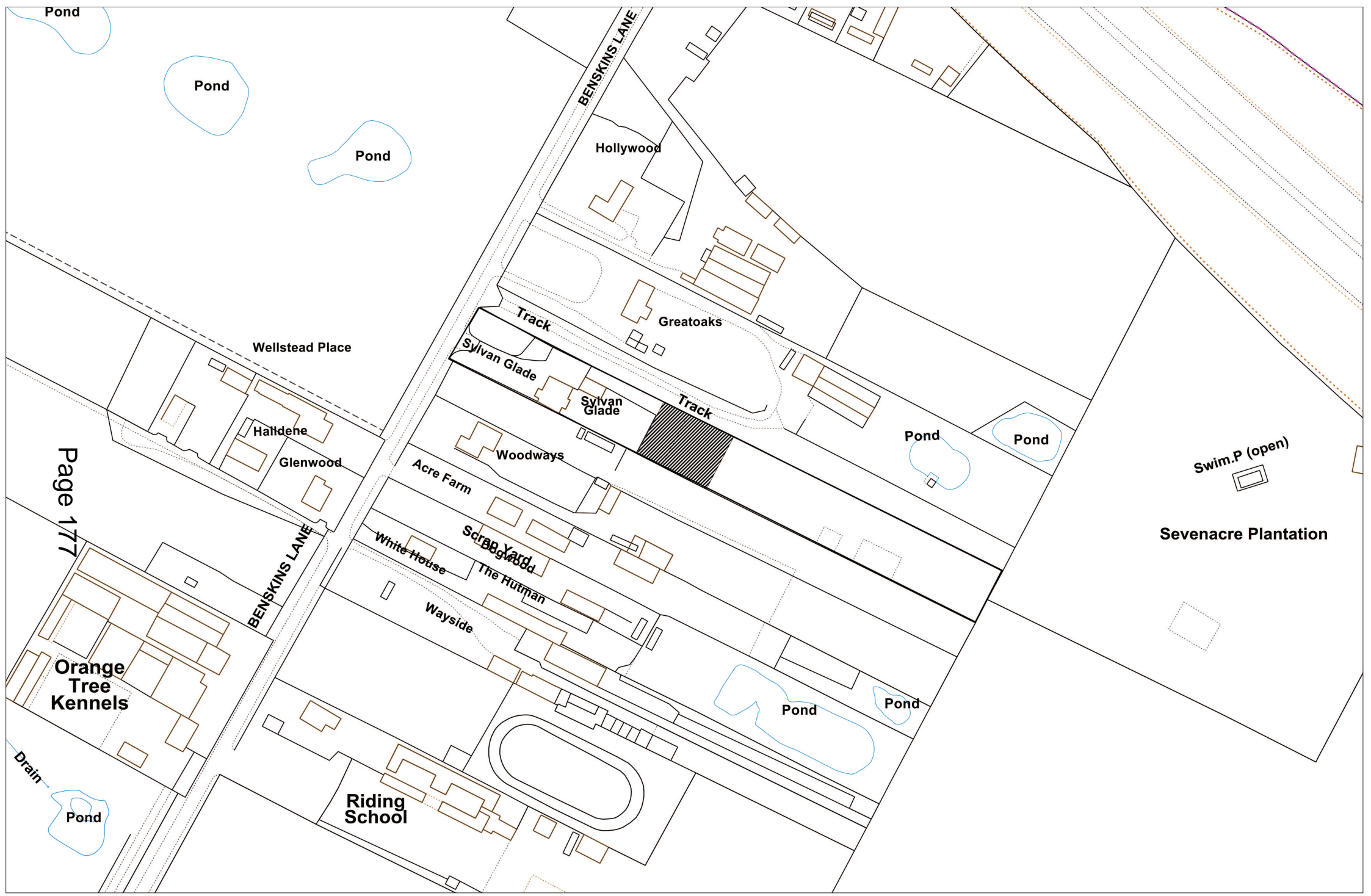
Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual 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 identified the site it is regarded that there are no Equalities implications here even though the group of people involved with the unauthorised use are 'travellers' which are regarded as an ethnic group in their own right. However the travellers do not have a specific need to be on this site whether it is for ethnic or any other reason, this was investigated by staff at the time of the site visit and face to face conversations with the people living in the caravans.

BACKGROUND PAPERS

- 1. Non-exempt notes and correspondence on case file*
- 2. Aerial Photographs*
- 3. Relevant Planning History*



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Sylvan Glade Benskins Lane Noak Hill



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