



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
22 August 2013**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Jeffrey Brace
Roger Evans
Robby Misir
Becky Bennett
Steven Kelly

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 - 42)

To approve as a correct record the minutes of the meeting of the Committee held on 20 June, 27 June, 18 July and 1 August 2013 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 43 - 66)

- 6 **P0875.13 - THE ARCADE (EAST), FARNHAM ROAD, HAROLD HILL** (Pages 67 - 82)
- 7 **P1526.07 - INTERWOOD SITE, STAFFORD AVENUE, HORNCHURCH** (Pages 83 - 88)
- 8 **P0241.13 - QUEENS THEATRE, BILLET LANE, HORNCHURCH** (Pages 89 - 96)
- 9 **P0298.13 - SOUTH HORNCHURCH LIBRARY** (Pages 97 - 106)
- 10 **P0361.13 - BRIAR ROAD SITE 2A** (Pages 107 - 124)
- 11 **P0689.13 - MYPLACE, CENTRAL PARK, HAROLD HILL** (Pages 125 - 136)
- 12 **P0535.13 - ROYAL YOUTH CENTRE, RAINHAM** (Pages 137 - 146)
- 13 **STOPPING UP ORDER, LITTLE GERPINS LANE** (Pages 147 - 154)
- 14 **STOPPING UP ORDER, GARRICK HOUSE, HORNCHURCH** (Pages 155 - 164)
- 15 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

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

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),
Becky Bennett, Osman Dervish, Robert Benham and
Wendy Brice-Thompson

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group** +David Durant

Apologies were received for the absence of Councillors Jeff Brace, Roger Evans, Robby Misir, Fred Osborne and Mark Logan.

+Substitute members: Councillor Becky Bennett (for Fred Osborne), Osman Dervish (for Roger Evans), Robert Benham (for Jeff Brace), Wendy Brice-Thompson (for Robby Misir) and David Durant (for Mark Logan).

Councillors Gillian Ford and Keith Darvill were also present for parts of the meeting.

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

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

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

No declarations of interest were made.

16 **PLANNING OBLIGATIONS**

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation.

This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2013.

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 9 February 2013 and 31 May 2013.

The report detailed that 23 new appeals had been received since the last meeting of the Monitoring Committee in March 2013.

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

18 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2013.

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

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

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

19 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

20 **P0400.13 - 24 SEVERN DRIVE, UPMINSTER**

The report before members sought permission for a side and rear single storey extension, a canopy, a garage conversion, external works including

two dropped kerbs, width increases and a change of use from a dwelling to a day care nursery.

The proposed nursery would operate within three age ranges (under 2's, 2 to 3 and 3 to 5).

Members were advised that one late letter of representation had been received which raised concerns regarding traffic congestion in the area.

Officers advised that there were a couple of amendments to the report:

Condition 8 should have read that the number of children accommodated within the building would not exceed 52 at any time.

Condition 13 should read that the maximum number of children using the rear garden for outdoor play should not exceed 16 at any time in accordance with Development Control policies DC56 and DC61.

Condition 18 should also make reference to Development Control Policy DC32.

Members noted that the application had been called in by Councillor Gillian Ford unless it was refused under delegated powers, on the grounds of the existing traffic problems due to school traffic, the area was primarily residential, potential for noise and disturbance and drainage concerns.

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

With its agreement Councillor Gillian Ford addressed the Committee.

Councillor Ford commented that as the Vice-Chairman of the Children's Overview and Scrutiny Committee she was well aware of the shortfall of nursery places within the borough.

Councillor Ford also commented that the location of the proposed development was a busy area and the Police's local Safer Neighbourhood Team had been involved in several local incidents in the area.

Councillor Ford advised members that the area suffered from a high number of vehicular movements and also commented that she was concerned regarding the impact on the amenity of neighbouring properties due to children playing in the garden of the proposed site.

During the debate members questioned whether the yellow lines and dropped kerbs surrounding the entrance to the proposed site would be altered or removed. Members also discussed access and egress arrangements of the site.

Officers confirmed that prior occupation of the site could not take place until condition 9 (provision of parking) had been addressed.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 7 votes to 2 with 1 abstention it was **RESOLVED** that planning permission be refused on the grounds of impact on residential amenity, through noise and disturbance arising from the intensity of use of the property and its curtilage and the impact on the streetscene arising from the extent of the parking to the front and rear of the property.

The vote for the resolution to refuse planning permission was carried by 7 votes to 3. Councillors Tebbutt, McGeary and Durant voted against the resolution to refuse planning permission.

21 **P0365.13 - BRIAR SITE 6A_2 - OPEN SPACE ADJACENT TO 8-26 COLTSFOOT PATH & 40-98 BARBERRY CLOSE, ROMFORD**

The application before members was linked to another application, reference P0364.13 which would involve the extension of the existing Coltsfoot Path highway, which currently ended at the eastern end of the site. The extended highway would enable vehicular access into the site. The application proposed the construction of a terrace of nine dwellings, aligned in a north/south direction and fronting the eastern boundary of the site. The houses would be a mix of 2, 3 and 4 bedrooms.

Officers confirmed that the London Fire and Emergency Planning Authority had raised no concerns regarding any of the proposed schemes for the Briar Road Estate.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill reminded members of the concerns he had raised at previous meeting regarding the proposed development of the Briar Road Estate and commented that again he had concerns that additional parking schemes had not been considered before the planning applications had been submitted. Councillor Darvill also commented on the area of green space that was being lost to make way for the proposed development and that the planning standards that applied on construction of the Briar Road Estate should not be eroded.

During the debate members discussed the green areas on the estate and made note of the petition that had been submitted regarding the application.

Members also discussed the waste management arrangements that were proposed for the development.

Following a motion to refuse planning permission which was lost by 4 votes to 6 it was **RESOLVED** that:

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 £18,540.00. This was based on the creation of 927m² of new gross internal floor space.

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 £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include an additional condition requiring the submission of a waste management scheme.

The vote for the resolution was carried by 5 votes to 4 with 1 abstention. Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission. Councillor Binion abstained from voting.

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

The application before members would involve the extension of the existing Coltsfoot Path highway, which currently ended at the eastern end of the site. The extended highway would enable vehicular access into the site. It was proposed to construct a terrace of five dwellings, adjacent to the flank wall of no. 43 Barberry Close, which would sit in a central part of the site extending in a west to east direction. Each of the houses would have 2 bedrooms.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill re-iterated points previously mentioned regarding the loss of parking and of green spaces with mature trees.

During a brief debate members discussed the loss of a green space and clarified whether any Tree Preservation Orders (TPOs) were in place on the development site.

Officers confirmed that there were no TPOs on the site.

Following a motion to refuse planning permission which was lost by 4 votes to 6.

It was **RESOLVED** that:

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 £8,480.00. This was based on the creation of 424m² of new gross internal floor space.

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 £30,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to include an additional condition requiring submission of a waste arrangement scheme.

The vote for the resolution was carried by 6 votes to 4. Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission.

23 P0389.13 - BRIAR SITE 9L- OPEN SPACE ADJACENT TO 28 COLTSFOOT PATH, ROMFORD

The proposal before members was for the construction of a single, detached three bedroom dwelling house sited adjacent to the flank wall of no.28 Coltsfoot Path. The dwelling had a width of 6m and a depth of 10.2m and was set 900mm from the flank wall of the neighbouring dwelling. The dwelling was a two storey building, with a gable ended roof, which rose to a maximum ridge height of 9.1m above ground level. The dwelling would have a private rear amenity area.

With its agreement Councillor Keith Darvill addressed the Committee.

Councillor Darvill re-iterated his concerns regarding parking in the area and in particular the distance the parking spaces were from the proposed dwelling.

During a brief debate members questioned parking provision in the area.

It was **RESOLVED** that:

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 £1,920.00. This was based on the creation of 96m² of new gross internal floor space.

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 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 as set out in the report.

The vote for the resolution was carried by 8 votes to nil with two abstentions. Councillors Hawthorn and Durant abstained from voting.

24 **P0381.13 - BRIAR SITE 10M - PARKING COURT AND OPEN SPACE BETWEEN 48 & 50- 68 CHARBURY CRESCENT, ROMFORD**

The report before members detailed an application which would involve alterations to the existing parking area, which would include the removal of existing areas of verge at the site frontage and the extension of parking facilities across the southern end of the site, which was currently an area of open space, it was proposed to construct a terrace of six dwellings, 2 two bedroom and 4 three bedroom.

With its permission Councillor Keith Darvill addressed the Committee.

Councillor Darvill commented that he had concerns regarding the impact on amenity on neighbouring properties particularly those in Charlbury Crescent.

During a brief debate members questioned the provision of amenity space and trees.

Officers confirmed that the proposed development allowed for sufficient amenity space.

Following a motion for refusal which was lost by 4 votes to 6.

It was **RESOLVED** that:

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 £11,200.00. This was based on the creation of 560m² of new gross internal floor space.

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 £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 as set out in the report.

The vote for the resolution was carried by 6 votes to 4. Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission.

25 **P0378.13 - BRIAR SITE 9Q- 118-122 STRAIGHT ROAD, ROMFORD - DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE STOREY BUILDING PROVIDING 3 FLATS (1 X 1 BED AND 2 X 2 BED); CREATION OF PARKING**

The Committee considered the report, noting that the development attracted a Mayoral CIL contribution of £2,920 and without debate **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 £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 as set out in the report.

The vote for the resolution to grant planning permission was carried by 8 votes to 1 with 1 abstention. Councillor Durant voted against the resolution to grant planning permission. Councillor McGeary abstained from voting.

26 **P0377.13 - BRIAR SITE 9P - 130-134 STRAIGHT ROAD, ROMFORD - DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE STOREY BUILDING PROVIDING 6 FLATS (6 X 2 BED); CREATION OF PARKING**

The Committee considered the report, noting that the development was liable for a Mayoral CIL contribution of £7,460 and without debate **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 £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 as set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 2 with 1 abstention. Councillors Ower and Durant voted against the resolution to grant planning permission. Councillor Hawthorn abstained from voting.

27 **EXCLUSION OF THE PUBLIC**

Following the completion of normal business, the committee decided to exclude the public for the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972. It was decided to exclude the public on those grounds, the Committee to **RESOLVED** accordingly on the motion of the Chairman.

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 9 February 2013 and 31 May 2013.

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
27 June 2013 (7.30 - 9.35 pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Roger Evans, Steven Kelly and Melvin Wallace

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

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

+Substitute members Councillor Steven Kelly (for Sandra Binion), Melvin Wallace (for Robby Misir) and David Durant (for Mark Logan).

Councillors Roger Ramsey and Denis O'Flynn were also present for parts of the meeting.

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

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

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

29 DISCLOSURE OF PECUNIARY INTERESTS

Councillor Steven Kelly declared a prejudicial interest in item P0424.13. Councillor Kelly advised that he holds the position of director of a company within the Shanks company group. Councillor Kelly left the room during the discussion and took no part in the voting. Councillor Barry Tebbutt declared a personal interest in item P0424.13 being a representative of the East London Waste Authority's Board. Councillor Tebbutt confirmed that his personal interest was not prejudicial to his ability to determine the application.

Councillor Paul McGeary declared a prejudicial interest in Agenda Item 15 regarding the planning contravention at Lakeview Caravan Park. Councillor McGeary advised that he was currently involved in legal proceedings, brought by the Council against the owner of Lakeview Caravan Park, on another planning contravention matter. Councillor McGeary left the room during the discussion and took no part in the voting.

30 **P0366.13 - BRIAR ROAD SITE 6B-1**

The application before members would involve the construction of a terrace of three bungalows, 2 three bedroom and 1 two bedroom. The bungalows would front on to Coltsfoot Path with private amenity space located to the rear. Existing trees on the site would be removed.

In accordance with the public speaking arrangements, the Committee was addressed by an objector who raised concerns over the number of developments in Harold Hill and the loss of green space which would be detrimental to local residents. Concerns were also raised over the effect of the proposed development on the back garden environment of existing properties. In response the applicant confirmed that the package of planning applications relating to the Briar Road Estate would result in the loss of some open space, approximately 7% of open space would be built on, but the development would enhance and improve the remaining open spaces. The applicant stated that the design of the bungalow design of the residential units was aimed at minimising any impact on existing residents.

With its agreement Councillor Denis O'Flynn addressed the Committee.

Councillor O'Flynn commented that the green space on the development site was well used by local residents and that residents were concerned over the loss of the space. Councillor O'Flynn also commented that he was not opposed to house building in the Harold Hill area but had concerns that residents' views had not been listened to during the consultation process. Councillor O'Flynn also made mention of a petition, signed by residents, that had been submitted to the Council and urged that the Committee to reconsider the application.

During the debate members discussed the loss of amenity space resulting from the proposed development and the loss of mature trees in the area. The relationship between the proposed development and existing dwellings was also considered.

Members discussed the deficiencies in the original Briar Estate and the Decent Homes programme that was due to enhance the estate.

Following a motion to refuse the granting of planning permission which was lost by 4 votes to 6.

It was **RESOLVED** that:

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 £5,000. This was based on the creation of 250m² of new gross internal floor space.

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 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 as set out in the report.

The vote for the resolution to grant planning permission was carried by 6 votes to 4. Councillors Hawthorn, Ower, McGeary and Durant voted against the resolution to grant planning permission.

31 P0232.13 - 4-6 ESSEX GARDENS, HORNCHURCH

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

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

Officers advised the committee that the Saturday opening hours as stated in the report should read until 23.00 hours and not until 22:00 hours.

Members noted that a letter of representation had been received from Councillor Clarence Barrett. The letter stated that the application was

inappropriate in the area. The letter outlined concerns regarding the late opening hours, increase in Anti-Social behaviour and lack of parking facilities.

The Committee also noted that the application had been called in by Councillor Roger Ramsey on the grounds of Loss of amenity, traffic noise, parking and odour and litter.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a response from the applicant. The objector made reference to the residential nature of the area; the potential for anti – social behaviour, litter and parking issues.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that there were substantial objections to the proposed development from local residents; including three petitions objecting to the scheme that had been submitted to the Council. Councillor Ramsey commented that the area had previously been the victim of Anti-Social behaviour and that the local Safer neighbourhood Team Sergeant had expressed concerns regarding the application. Councillor Ramsey noted that 2 similar applications had previously been refused. Councillor Ramsey urged the Committee to reject the proposal on the grounds of loss of amenity to neighbouring properties.

During the debate members noted the number of other take away premises in the vicinity of the application site. Members considered highways issues and the potential for noise and disturbance to neighbouring properties.

Members also discussed the possibility of Anti-Social behaviour returning to the area and the provision of refuse facilities.

The report recommended that planning permission be granted, however following a motion to refuse planning permission it was **RESOLVED** that planning permission be refused on the grounds that:

- Noise and disturbance caused by the activity of patrons and their vehicles at anti-social hours, was harmful to residential amenity.
- Based on past evidence, there was a significant risk of the recurrence of anti-social behaviour.
- Parking congestion caused by customers' vehicles due to relationship of the parade of Essex Gardens entry into the County Park estate.
- Inadequate demonstration that the refuse storage and collection arrangements would work.
- Inadequate demonstration that flue could be positioned as proposed due to existing third party air conditioning unit at first floor level.

32 **P0002.13 - IVY LODGE VETERINARY CLINIC, NAGS HEAD LANE, UPMINSTER - RETENTION OF STABLES AND HAY BARN AND PROPOSED HARDSTANDING**

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

33 **P0431.13 - LEPRECHAUN, GERPINS LANE, UPMINSTER**

The report before members detailed an application for the conversion from a bungalow to a chalet-style bungalow including dormer windows to the front and rear roof slopes; the erection of a one and a half storey gabled extension to the eastern flank elevation and the erection of a gabled entrance feature to the front elevation.

During a brief debate members questioned whether the existing containers stored on the site would be removed as part of the application.

Officers confirmed that there were no plans for the containers to be removed and that it would prove difficult to attach conditions to the application that would enforce the removal of the containers.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was granted by 9 to nil with 1 abstention.

Councillor Kelly abstained from voting.

34 **P0517.13 - 33,37 & 41 MARKET PLACE, ROMFORD - PART GROUND FLOOR AND FIRST FLOOR FOR USE CLASS D2 (GYMNASIUM)**

Members were advised by officers that the first sentence of condition 4 was to be removed but the noise level condition still stood.

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

35 **P0424.13 - SHANKS WASTE LTD, CREEK WAY, RAINHAM**

The report before members detailed an application that proposed the variation of condition 14 of planning application P0197.03.

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

Reason:-

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

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

Officers confirmed that the application sought to allow the processing of 25,000 tonnes of waste from Tower Hamlets and 58,000 tonnes of waste from Bedford and Central Bedfordshire Authority areas to be processed for a three year period.

During a brief debate members discussed lorry routing and officers confirmed that a lorry routing condition was now contained in the report.

It was **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 27 November 2003 in respect of planning permission P0197.03, which shall mean the legal agreement relates either to planning permission P0197.03 as originally granted, or planning permission P0424.13 as proposed and set out in the report.

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

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

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

The resolution to grant planning permission subject to the applicant entering into a deed of variation was carried by 8 to nil with 1 abstention. Councillor Durant abstained from voting.

As stated at the beginning of the minutes Councillor Steven Kelly declared a prejudicial interest in item P0424.13. Councillor Kelly advised that he holds the position of director of a company within the Shanks company group.

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

36 **P0496.13 - FORMER OLDCHURCH HOSPITAL (TAYLOR WIMPEY) - NON COMPLIANCE WITH CONDITION 2 OF P1638.09 TO ENABLE MINOR AMENDMENTS TO THE WIDTH AND LENGTH OF BLOCK Y TO MEET THE HOMES AND COMMUNITIES AGENCY (HCA) HOUSING QUALITY INDICATORS RELATING TO ROOM AND UNIT SIZE TO ALLOW PROVISION OF BLOCK Y UNITS AS AFFORDABLE HOUSING**

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

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

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

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

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

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

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

The vote for the resolution to grant planning permission subject to the applicant entering into a deed of variation was carried by 9 votes to 1. Councillor Tebbutt voted against the resolution to grant planning permission.

37 **P1555.12 - SPRING FARM PARK, LAMBS LANE NORTH, RAINHAM - CRICKET NETS ENCLOSURE TO EXISTING BATTING, COACHING AND PRACTICE AREA WITH SUB BASE, MATTING AND GATES**

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

38 **P0179.13 - LAND REAR OF 23-31 VICTORY WAY, COLLIER ROW - ERECTION OF FIVE 3 BEDROOM HOUSES**

Members were advised that a late letter of representation had been received querying the access licence to the application site.

The Committee noted the report and without debate **RESOLVED** that:

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 fee is based on an internal gross floor area of 529.7m² and amounts to £10,594.

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 £30,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer / Owner to pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer / Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

39 **P0621.13 - 106 HILLDENE AVENUE, ROMFORD - CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT FOOD TAKEAWAY) AND NEW REAR EXTERNAL EXTRACT DUCT**

Officers advised members that there was a change to condition 4 of the report and that the hours of opening on Sundays and Bank or Public holidays was to be amended to read 09:00 hours to 21:30 hours.

Officers also confirmed that the consultation period was due to close on 5 July 2013.

The Committee noted the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services the authority to grant planning permission. If new material considerations were raised, then the matter would be remitted back to the Committee for its further consideration and resolution.

40 **19-25 FERNDALE ROAD, COLLIER ROW - BREACH OF PLANNING CONTROL**

The Committee considered the report and without debate **RESOLVED** that Enforcement Notices be issued and served to require within three months:

1. Cease the residential occupation of the dwellings approved vide P1734.03(allowed on appeal) until the approved scheme in relation to the Landscaping (shown on Plan drawing No 1865/2 and details therein contained) are fully implemented.
2. Cease the residential occupation of the dwellings approved vide P1734.03 (allowed on appeal) until the approved scheme in relation to the access road and turning area have been constructed and marked out in accordance with Plan drawing No 1865/2 and details therein are fully implemented.
3. Remove all materials associated spoils paving and rubble brought on to the land in connection with the unauthorised development in (1) and (2) above.

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

41 **P0367.13 - BRIAR ROAD SITE 6B-2**

The application before members would involve the construction of a pair of semi-detached bungalows, both 2 bedroom dwellings. The bungalows would

front on to Coltsfoot Path with private amenity space located to the rear. The existing tree on the site would be removed.

With its agreement Councillor Denis O’Flynn addressed the Committee.

Councillor O’Flynn commented that he was concerned that the consultation carried out with residents had not been listened to as there were significant objections to the proposed scheme.

During the debate members discussed the lack of parking facilities on the site and the possibility of overlooking on existing properties.

Following a motion to refuse planning permission which was lost by 4 votes to 6.

It was **RESOLVED**:

That 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 £2,860. This was based on the creation of 143m² of new gross internal floor space.

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 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 as set out in the report.

42 **P0387.13 - BRIAR ROAD SITE 9K**

The report before members detailed an application for the demolition of the existing garages (the sub-station would be retained) and the construction of a terrace of three dwellings, one 3 bedroom and two 2 bedroom.

With its agreement Councillor Denis O’Flynn addressed the Committee.

Councillor O’Flynn commented that the space between the existing properties and those proposed was very small and would lead to a lack of amenity for existing residents and presents difficulties for maintenance

During a brief debate members sought clarification of the exact distances between the proposed development and the existing properties.

It was **RESOLVED** that:

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 £2,240.00. This was based on the creation of 112m² of new gross internal floor space.

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 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 as set out in the report.

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

43 P0383.13 - BRIAR ROAD SITE 10N

The report before members detailed an application that would involve the addition of a single, 4 bedroom dwelling onto the eastern section of the site, which would adjoin the end elevation of no. 62 Myrtle Road. The western part of the site would be developed to form three parking spaces, with additional landscaping.

With its agreement Councillor Denis O'Flynn addressed the Committee.

Councillor O'Flynn re-iterated his earlier point regarding overlooking and lack of amenity space for the proposed development and neighbouring properties.

During a brief debate members sought clarification of the distances between the proposed development and existing properties.

It was **RESOLVED**:

That 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 £2,300.00. This was based on the creation of 115m² of new gross internal floor space.

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.

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

The vote for the resolution to grant planning permission was carried by 7 votes to 2 with 1 abstention. Councillor Hawthorn and Ower voted against the resolution to grant planning permission. Councillor Durant abstained from voting.

44 **P0390.13 - BRIAR ROAD SITE 9F**

The proposal before members was for the construction of a semi-detached pair of houses, which would front in a southerly direction towards Clematis Close. Each dwelling would have 3 bedrooms. The dwellings had a combined width of 18.8m and a depth of 6.5m. The dwellings were two storey, with a gable ended roof, which raised to a maximum ridge height of 8m above ground level. Each dwelling would have a private rear amenity area.

During a brief debate members discussed the provision of parking facilities in the area.

It was **RESOLVED** that:

That 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 £2,000.00. This was based on the creation of 100m² of new gross internal floor space.

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 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 as set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 3. Councillors Hawthorn, McGeary and Durant voted against the resolution to grant planning permission.

45 LAKEVIEW CARAVAN PARK - PLANNING CONTRAVENTION

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require, within 6 months of the effective date of the enforcement notice:

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

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

As stated at the beginning of the minutes Councillor Paul McGeary declared a prejudicial interest in the item.

Councillor McGeary advised that he was currently involved in legal proceedings, brought by the Council against the owner of Lakeview Caravan Park, on another planning contravention matter. Councillor McGeary left the room during the discussion and took no part in the voting.

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
18 July 2013 (7.30 - 10.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Roger Evans, Becky Bennett, Steven Kelly and +Wendy Brice-Thompson

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +David Durant

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

+Substitute members: Councillors David Durant for (Mark Logan) and Wendy Brice-Thompson for (Robby Misir)

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

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

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

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

46 MINUTES

The minutes of the meetings held on 16 May and 21 May 2013 were agreed as a correct record, and signed by the Chairman.

47 **P1395.12 - THE ALBANY SCHOOL, BROADSTONE ROAD,
HORNBURCH**

The Committee considered a report that sought to remove condition 8 of application P1327.11 for a multi-use games area that was approved in 23 February 2012. Condition 8 required a screening scheme be submitted and agreed showing screening from the effects of glare to residential properties abutting the site.

In accordance with the public speaking arrangements, the Committee was addressed by an objector. The objector stated that the current scheme does not adequately protect him and other nearby resident, he suggested that the lamp post were too high. He was of the opinion that there were other options in the market for the applicant to consider.

During the debate members stated that from the layout of the facilities, the light column for the tennis court which was much nearer to the resident could be the cause for concern. The Committee was informed that the tennis courts did not have any conditions attached to its use.

It was **RESOLVED** to grant planning permission.

48 **P0097.13 - 624 UPPER BRENTWOOD ROAD, ROMFORD**

The report before members sought for a change of use from retail shop (A1) to a hot food takeaway (A5) and extract ducting. Councillor Thorpe had called in the application on the grounds of impact on residents amenities.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector speaking on behalf of his son who lived in a flat above the row of shops, he raised concern that the business would lead to an increase in unpleasant smell, noise pollution, pressure on resident parking, road safety and health implication. In response the applicant's representative stated that the this application was for reduced hours and the business intended to introduce healthy eating options, and install a modest ducting

With its agreement Councillor Lynden Thorpe addressed the Committee. She raised concern that this premises being near to a school would not support the healthy eating arrangement in the borough due to the increase in child obesity and diabetes. It was also suggested that the takeaway business would also lead to an increase in vermin and litter.

During the debate members expressed concerns that the application would increase the pressure on parking in the area and the ducting would be out of place. Members also suggested that there was no shortage of takeaways in the area.

The report recommended that planning permission be granted, however following a motion to refuse planning permission by Councillor Ower seconded by Councillor Hawthorn, which was carried by 6 votes to 5 it was **RESOLVED** that planning permission be refused on the grounds that hours of use/noise and disturbance would harm amenity; parking/traffic impact (both same as LBH reasons for refusal of P1758.06 on page 39 of the agenda) plus the obtrusive nature of the flue harmful to visual amenity..

The vote for the resolution was carried by 6 votes to 5 with two abstentions. Councillors Bennett, Brace, Kelly, Oddy and Tebbutt voted against the resolution to refuse.

49 **P0352.13 - THE PLOUGH PUBLIC HOUSE, GALLOW CORNER, COLCHESTER ROAD, ROMFORD**

Further to this application being considered and deferred at its meeting on 6 June 2013 for further information on the proposed access arrangement at Colchester Road. The application before members proposed 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 premises would be accessed from both Straight Road and Colchester Road. The widening of a footpath alongside Colchester Road would be achieved by means of a S278 agreement with Transport for London.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The main issues raised related to loss of trees, concern about the height of the sound and light barriers, environmental and pollution issues.

During the debate several members expressed concerns on matters on the acoustic barriers, landscaping arrangement, overlooking, highway issues including the access and egress arrangements for the site.

Following the debate it was **RESOLVED** that authority to grant planning permission be delegated to the Head of Regulatory Services subject to the conditions as set out in the report and satisfactory negotiation of additional condition (set out below) the precise wording of which to be negotiated and settled by the Head of Regulatory Services:

- Deliveries hours.
- Scheme of site management (physical/operational) to prevent use of any part of site by public and their vehicles outside premises opening hours.
- Restriction on activity within site outside opening hours (staff arrival, opening up/ closure etc).
- Explore potential for acoustic fence to be raised in height from that proposed in agreement with neighbours.

Explore whether A12 'barrier' can be a height to deter pedestrians crossing as well as vehicle right hand entries to/from the site.

The vote for the resolution was carried by 7 votes to 3 and one abstention.

Councillors McGeary, Ower and Bennett voted against the resolution to grant planning permission whilst Councillor Tebbutt abstained from voting.

50 **P0439.13 - 1 BLENHIEM COURT, NORTHOLT WAY, HORNCHURCH**

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

51 **P0498.13 - UNITS 11-12, STAFFORD INDUSTRIAL ESTATE, HILLMAN CLOSE, HORNCHURCH**

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

52 **P0545.13 - UNIT 1, STAFFORD INDUSTRIAL ESTATE, HILLMAN CLOSE, HORNCHURCH**

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

53 **P0547.13 - UNITS 2-5 & 7-10, STAFFORD INDUSTRIAL ESTATE, HILLMAN CLOSE, HORNCHURCH**

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

54 **P0567.13 - LAND ADJACENT TO 36 SOWREY AVENUE, ELM PARK**

The report before members detailed a resubmission following refusals in 2010 and 2011 for an attached two bedroom, two storey house with parking and amenity space.

The report recommended that planning permission be refused on the grounds of streetscene.

The application had been called in by Councillor Oddy to ensure consistency in decision. Councillor Oddy went on to detail various developments in the area that had been constructed out of the site line.

During the debate members considered other surrounding premises that had similar extensions to those proposed in this application and considered it acceptable.

A motion to approve planning permission was proposed which was carried by 9 votes to 1 against and one abstention, it was **RESOLVED** that approval be delegated to the Head of Regulatory Services to approve subject to prior completion of legal agreement (infrastructure tariff) and conditions covering: standard time condition, full accordance with approved plans; restrict permitted development; materials samples; construction method and hours.

The vote for the resolution was carried by 9 votes to 1 with one abstention. Councillor Durant voted against the resolution to grant planning permission and Councillor McGeary abstained from voting.

55 P0490.13 - DUKES HALL, MAYGREEN CRESCENT

The Committee considered the report that detailed the proposed demolition of a single storey community hall and the erection of a four storey building comprising 58 residential units with 74 parking spaces and amenity space and without debate **RESOLVED** to grant planning permission subject to the prior completion of a Section 106 agreement in accordance with Recommendation A and the conditions set out in the report and to delegate to the Head of Regulatory Services in respect of Recommendation B of the report discretion to refuse if appropriate and draft as appropriate the precise wording of the reasons for refusal.

56 P0244.13 - ELM PARK HOTEL, ELM PARK AVENUE, ELM PARK

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

57 P0732.13: - CAR PARK AT FORMER ROMFORD ICE RINK, ROM VALLEY, ROMFORD

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. Based on advice provided by the Greater London Authority this application does not need to be referred to the Mayor for London

The vote was carried by 10 votes to 1. Councillor Durant voted against the resolution to grant planning permission.

58 **P0361.13: - BRIAR SITE 2A- GARAGE/PARKING COURT ADJACENT TO 9A MYRTLE ROAD AND OKEHAMPTON ROAD, ROMFORD**

The application before the Committee proposed the construction of 4 one bed flats and 2 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.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector raised concern with the proposed parking arrangement.

With its agreement Councillors Darvill and O'Flynn addressed the Committee. Both members stated that he had received complaints from local residents concerning the proposals, particularly around parking arrangement as it would encroach on their land. In addition other issues raised included overlooking, the removal of green spaces and the loss of parking provision.

During the debate a member commented that the site was very limited in amenity spaces, concerned about the loss of trees and overlooking aspect of the development. It was also mentioned that the proposed development would lead to the loss of amenity space. In order to avoid any risk of encroaching on land outside the control of the applicant a possible revised scheme was presented to members which would involve a redrawing of the red-line boundary of the application sight. The revised plans would require re-consultation.

Following a motion to refuse granting planning permission which was lost by 4 votes to 7, it was **RESOLVED** that the application be deferred to allow the local residents be re-consulted on the revised parking plans and to be brought back to the next meeting.

The vote was carried by 6 votes to 5. Councillors Brace, Bennett, Evans, Oddy and Kelly voted against the resolution to defer the granting of planning permission.

59 **P0384.13: - BRIAR SITE 10E- OPEN SPACE BETWEEN 13 HONEYSUCKLE CLOSE, 19 TULIP CLOSE & 34 MYRTLE ROAD, ROMFORD**

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

60 **P0370.13: - BRIAR SITE 7A - LAND AT CLEMATIS CLOSE, ROMFORD**

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

61 **PLANNING CONTRAVENTION**

The report before Members 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.

The report informed the Committee that rural land at the rear of Sylvan Glade, Benskins Lane, Noak Hill which was within the Metropolitan Green Belt and did and does not benefit from residential or any other accepted use.

In 2012 the Planning Enforcement service received a complaint and following a visit confirmed unauthorised change of use of the land.

The report stated that the owner of the property did not live at the address and it had not been possible to contact him to discuss this matter.

It was **RESOLVED** that Enforcement Notices be issued and served to require, within 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 noncompliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

62 **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

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
1 August 2013 (7.30 - 9.15 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Becky Bennett, Steven Kelly, +Wendy Brice-Thompson and +Frederick Thompson

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 Roger Evans, Mark Logan and Barry Tebbutt .

+Substitute members: Councillor Frederick Thompson (for Councillor Barry Tebbutt), Councillor Wendy Brice-Thompson (for Councillor Roger Evans) and Councillor Michael Deon Burton (for Councillor Mark Logan).

Councillors Sandra Binion, Georgina Galpin, Lesley Kelly, Barbara Matthews and Linda Van den Hende were also present for parts of the meeting.

29 members of the public were present.

Unless otherwise indicated all decisions were agreed with no vote against. There were no declarations of interests.

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

64 MINUTES

The minutes of the meetings held on 6 June 2013 was agreed as a correct record and signed by the Chairman

65 **P0206.13 - FISHING LAKE ADJACENT BRAMBLE FARM, UPMINSTER**

This item was deferred at the request of officers in order to enable the applicant to submit a revised site layout plan that reflected the title.

66 **P0258.13 - BEVERLEY BUNGALOW, NORTH ROAD, HAVERING-ATTE-BOWER**

This item was deferred at the request of officers in order to enable a check be undertaken on the accuracy of planning history referenced in the report in particular whether a similar proposal was refused approximately 10 years ago.

67 **P0592.13 - 22 LAMSON ROAD, RAINHAM**

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

68 **P0664.13- LAND TO THE REAR OF GARRICK HOUSE, ADELPHI CRESCENT, HORNCURCH**

The Committee considered the report that proposed to erect two single storey sheltered accommodation buildings comprising five two bedroom self-contained bungalows with associated amenity space and 3 car parking spaces. The proposed additional units would become part of the Garrick House complex. The development would provide dedicated amenity space to the east and west of the new buildings.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a reply by the applicant.

With its agreement Councillors Georgina Galpin, Lesley Kelly and Barbara Matthews addressed the Committee.

Councillor Galpin welcomed the new development and noted that it was at no cost to the council.

Councillor Matthews accepted that there was a need for such homes in the borough but raised concern why so many new homes were going on this site. She was of the view that the density was in excess of guidelines.

Councillor Lesley Kelly commented that such properties are being built where it was appropriate/feasible. She also stressed the need to look after the elderly in society.

During the debate a member sought clarification on the amount of parking spaces being lost to the new development. The Committee was informed that by merging the two applications for consideration, the parking level was exceeded on the site. A member raised concern on the loss of amenity spaces, loss of trees, loss of car parking space that related to inconvenience of car parking and light pollution.

The report recommended that planning permission be granted, however following a motion to refuse planning permission by Councillor Hawthorn seconded by Councillor Ower, which was lost by 8 votes to 2 and 1 abstention it was **RESOLVED** to approve as recommended subject to revision of Condition 19 (age restriction) to read "the dwellings hereby permitted shall only be occupied by persons of 55 years or older and the spouse or cohabiting partner of such person irrespective of age" plus additional condition requiring submission, agreement, implementation and maintenance of the approved scheme to prevent material levels of glare from headlights of cars using new parking spaces affecting amenity of existing ground floor units.

The resolution was approved with 8 votes in favour 2 against and with 1 abstention. Councillors Hawthorn and Ower Durant voted against the resolution to approve and Councillor McGeary abstained from voting.

69 **P0665.13- LAND TO THE REAR OF GARRICK HOUSE, ADELPHI CRESCENT, HORNBURCH**

The report before the committee detailed proposed to erect two single storey extensions to create 4 self-contained sheltered housing flats with associated amenity space and the relocation of a right of way. Each flat would comprise of one or two bedrooms, a kitchen, bathroom and an open plan living and dining room.

In accordance with the public speaking arrangements, the Committee was addressed by an objector without a reply by the applicant.

With its agreement Councillors Georgina Galpin, Lesley Kelly and Barbara Matthews addressed the Committee reiterating the comments they made on the earlier application.

Councillor Galpin welcomed the new development and noted that it was at no cost to the council.

Councillor Matthews accepted that there was a need for such homes in the borough but raised concern why so many new homes were going on this site. She was of the view that the density was in excess of guidelines.

Councillor Lesley Kelly commented that such properties are being built where it was appropriate/feasible. She also stressed the need to look after the elderly in the society.

During the debate a member sought clarification on the amount of parking spaces being lost to the new development. The Committee was informed that by merging the two applications for consideration, the parking level was exceeded on the site. A member raised concern on the loss of amenity spaces, loss of trees, loss of car parking space that related to inconvenience of car parking and light pollution.

The report recommended that planning permission be granted, however following a motion to refuse planning permission by Councillor Ower seconded by Councillor Hawthorn, which was lost by 8 votes to 2 and 1 abstention it was **RESOLVED** to delegate approval to the Head of Regulatory Services provided no further representations are received before end of expiry period which raise new material considerations (in the event that new material consideration are received prior to the expiry of the consultation period the proposal be remitted back to Regulatory Services Committee for further consideration) and also subject to revision of Condition 17 (age restriction) to read "the dwellings hereby permitted shall only be occupied by persons of 55 years or older and the spouse or cohabiting partner of such person irrespective of age" plus additional condition requiring submission, agreement, implementation and maintenance of an approved scheme to prevent material levels of glare from headlights of cars using new parking spaces affecting amenity of existing ground floor units.

The resolution was approved by 9 votes in favour and 2 against, Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

70 **P0457.13 - BOWER PARK SCHOOL, HAVERING ROAD, ROMFORD - RETENTION OF GYMNASIUM**

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

71 **P1216.12 - 19 WALLENGER AVENUE, ROMFORD**

The application before the committee related to a detached house which was situated within the Gidea Park Special Character Area. It was proposed to construct a first floor side extension over the existing garage together with a front extension to the garage. The planning issues were set out in the report including issues relating to the design and appearance on the host dwelling, the impact on the character of the area and impact on amenity of surrounding residential properties.

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

expressed concern about loss of daylight and outlook to the flank windows of her property, summarised the history of the planning proposals in respect of the neighbouring dwelling and the judicial challenge which resulted in the grant of planning permission being quashed. The objector considered that the neighbouring property had been extended and was far larger than the original property. The applicant responded by referring to the results of the light survey and the design and scale of the extension being similar to a significant number of other extensions in the neighbourhood.

During the debate several members sought clarification on the loss of light from the window facing the development. Members were informed that a light survey had been submitted in support of the application. Staff suggested to Members that the survey conclusions appear to be based on the window being a secondary window whereas in fact it was originally a primary light source serving a dining room which has subsequently been integrated with other accommodation and made open plan. Staff reiterated points set out in the officer report and made clear that though the light survey concluded that there would be low impact on the affected area, the impact upon the dining room window would be noticeable and it was here that the judgement of Members was called for taking into account also that the kitchen/dining area benefitted from light access from other windows. Members were informed that the judgement of the impact on the neighbouring property was finely balanced, while there would be loss of light to the former primary window to the kitchen/dining room and some loss of outlook, that window was no longer the sole light source and the other windows providing daylight to the room were not significantly affected.

In regard to street scene and character issues, Officers explained that the eaves and the pitch heights of the extension as reduced made the extension appear subordinate to the house and not inappropriate or out of character with the surrounding area. Officers showed Members photographs of a number of examples nearby of other extensions and neighbouring dwellings with a relationship similar to that proposed. Officers concluded that the extension would not affect the spacing between the properties to such a degree that would material harm the streetscene.

A member commented that many houses in the area had benefited from similar extensions to their properties.

Other members stated that they were familiar with the area and that other surrounding premises that had similar extensions to those proposed in this application and considered it acceptable.

Following the debate it was **RESOLVED** that planning permission be granted.

The vote for the resolution was carried by 9 votes to 0 with 2 abstentions. Councillors McGeary and Thompson abstained from voting on the resolution.

72 **P0125.13 - 147, LONDON ROAD, ROMFORD**

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

Chairman

Regulatory Services Committee

22 August 2013

Item 5

Page No.	Application No.	Ward	Address
1-8	P0969.10	Mawneys	119 Marlborough Road, Romford
9-12	A0029.13	Mawneys	Marlborough Arms, Mawney Road, Romford
13-16	P0636.13	Rainham & Wennington	3 Crown Parade Upminster Road South, Rainham
17-21	P0783.13	Romford Town	Ground Floor Scimitar House, 23 Eastern Road, Romford

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REGULATORY SERVICES COMMITTEE

22nd August 2013

APPLICATION NO:	P0969.10	
WARD :	Mawneys	Date Received: 28th July 2010 Expiry Date: 22nd September 2010
ADDRESS:	119 Marlborough Road Romford	
PROPOSAL:	Change of use from A2 to residential, and the demolition of the existing disused commercial premises and erection of 2 no. 1 bed flats and 2 no. 2 bed flats with associated amenity space, car parking, access, landscaping and refuse storage.	
	Revised Plans Received 13.07.2012	
DRAWING NO(S):	06.4355.53; -54; -55 06.4355.50.A; -51.A; -52.A 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

This application has been called in to Committee by Councillor Light on the grounds that the application was submitted some time ago and that a decision should be made in a public forum.

SITE DESCRIPTION

The application site is located to the south of Marlborough Road and currently comprises a vacant two-storey office building. There is a small open area to the rear of the site. The current building abuts the access road to Calgary Court and has a separate vehicular access to the west which also provides access to a garage to the rear of No.123 Marlborough Road.

The site covers an area of 0.32 hectares with no change in levels across the site.

There is a double yellow line to this side of Marlborough Road at this point (covering the Calgary Court entrance and also the driveway to the west) which prevents parking at any time.

The surrounding area is characterised by predominantly two-storey semi-detached and terraced properties, with 2-3 storey flatted development to the rear (Blandford Close; Crownmead Way) and Calgary Court (14 flats) completed in early 2007 behind the current application site. Further to the south is an area of Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is a resubmission following refusal in December 2006.

The main difference is that the current scheme is for 2, 1-bed and 2, 2-bed flats whereas the previous scheme was for the demolition of the existing building and the erection of a two-storey building accommodating 4, 1-bed flats.

The proposed building would be 7.9m wide and 16.45m deep with a main ridge height of 9.5m above ground level. There would be a centrally-located, full-height gabled section to the western

REGULATORY SERVICES COMMITTEE

22nd August 2013

elevation with a width of 5.4m. The building would be provided with a front dormer window in the roof space. A balcony would be provided to the upper rear flat with a second balcony provided to the front elevation. The rear ground floor flat would have a separate access with the front and upper units sharing an access at ground floor level.

The building would be located directly on the side boundaries (the site does not include the shared access with No.123 Marlborough Road); 5m from 123 Marlborough Road and 7.5m from No.113 Marlborough Road (across the access road to Calgary Court). The proposed building would be a minimum of 5m from the front boundary with the highway.

It is proposed to provide a shared amenity space of a maximum 27.5 sq.m to the rear of the building.

5 parking spaces would be provided to the rear of the building with the access to the highway to Marlborough Road, provided off site (using an existing shared access with No.123).

The other main differences are:

- increase in the site area from 0.29 hectares to 0.32 hectares, principally to the rear
- increase in the height of the building's ridge from 8.3m to 9.45m above ground level
- introduction of front dormer and a balcony to the front elevation

The applicant was advised at pre-application stage that affordable housing contributions would be required with this application. An offer has been made of £10,000 for each of the 2-bedroom units and £5,000 for each of the one-bedroom units, totalling £30,000. The applicants indicate that the scheme would not be viable at a higher figure. A Three-Dragons Viability Assessment was subsequently submitted which indicates that no affordable housing can be provided.

RELEVANT HISTORY

Extensive commercial history including:

L/HAV/1313/71 Construction of office building - approved

P1613.05 (rear of 117/9)- demolition of existing warehouse and erection of a block of flats containing 14, 2-bed flats with parking and amenity for residential use - approved 29/11/2005 (completed 2007)

P2064.06 - To demolish existing house and erect a two-storey 4x1-bed flats for residential use - refused 21/12/2006

P0291.07 - To demolish existing building and erect a 2-storey 4x1-bed flats for residential use - withdrawn 13/4/07

P2063.06 was refused on the following grounds:

1) The proposal would, by reason of its siting, bulk, massing and depth and limited amenity space result in a cramped form of over-development adversely impacting on the character of the locality and on the rear garden environment contrary to Policies ENV1, HSG1 and HSG5 of the Havering Unitary Development Plan and Supplementary Design Guidance on Residential Extensions and Alterations.

2)The proposal would, by reason of its siting, bulk and depth into the site result in loss of light and it being visually intrusive adversely impacting on residential amenity contrary to Policies ENV1 and criteria in Supplementary Design Guidance on Residential Extensions and Alterations

3)The front parking space, due to its siting and orientation, would result in highway conflict at the junction between Calgary Court and Marlborough Road, to the detriment of the free and safe flow of traffic contrary to Policy ENV1 of the Havering Unitary Development Plan.

REGULATORY SERVICES COMMITTEE

22nd August 2013

4) The proposal does not make adequate provision for affordable housing and as such fails to make a contribution towards meeting identified housing needs within the Borough, to the detriment of housing opportunities and social inclusion, contrary to Interim Planning Guidance on Affordable Housing.

CONSULTATIONS/REPRESENTATIONS

80 occupiers of neighbouring and nearby properties were notified of this application. 8 forms of correspondence have been received; one in support, one making comments only and 6 raising objections to the proposal on the following planning grounds:

- increase in pollution - noise and traffic fumes
- loss of quality of life
- increase in potential residents compared with earlier schemes
- loss of privacy, in particular from balconies
- inadequate parking provision/likely inconsiderate on-street parking
- loss of existing parking spaces at Calgary Court
- road safety issues arising from narrowness of road and additional junction close to that for Calgary Court
- more traffic on Marlborough Road will increase chance of an accident and reduce traffic flow
- over-development
- possible lack of fire appliance access
- alternative highways/road safety arrangements offered
- use of/parking in the driveway is likely to result in access to an existing garage being blocked
- refuse vehicles collecting rubbish will block driveway

The Metropolitan Police - no objections but request that secured by design conditions and an informative are attached to any approval

Thames Water - write to remind the developer that it is their responsibility to ensure that surface water is drained properly

The Fire Brigade - Access would need to comply with the ADB Volume 2. This is a Building Regulations document and an application under the Building Regulations would be needed.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- CP17 - Design
- DC11 - Non-Designated Sites
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC35 - Cycling
- DC6 - Affordable Housing
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC72 - Planning Obligations
- SPD1 - Designing Safer Places SPD
- SPD11 - Planning Obligation SPD
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

REGULATORY SERVICES COMMITTEE
22nd August 2013

OTHER

LONDON PLAN - 3.12 - Negotiating affordable housing on individual private residen
LONDON PLAN - 3.13 - Affordable housing threshold
LONDON PLAN - 3.3 - Increasing housing supply
LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.3 - Designing out crime
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

At £20 per square metre (gross internal floorspace) and based on 275.6 sq.m, the Mayoral CIL liability would be £5,512 (with the existing building having been vacant for at least 6 of the last 12 months).

STAFF COMMENTS

The issues to be considered are the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties and highway/parking/servicing issues.

BACKGROUND

No formal application has been made for an A2 Use at the application site. It is understood that the offices were used in connection with the former industrial use of the whole site (including now Calgary Court) and that the existing building therefore formed an ancillary office to the former B2 (or sui generis) industrial use of the whole site. The office has been vacant since at least 2006.

P1613.05 for 14 flats at the rear of the current application site was under construction at the time the original application (P2064.06) for 4 residential properties was submitted. Some 8 years later, it is understood that following refusal of the 2006 scheme (in part since it did not meet Policy for affordable housing) the site has been sold on. However, the link with the original larger site is not considered to be severed by this new arrangement and therefore the application is considered to be a second phase of a redevelopment of the whole, formerly industrial site, such that affordable housing policy remains relevant in relation to the 18 flat (total) scheme.

PRINCIPLE OF DEVELOPMENT

Policy DC2 indicates that permission will be granted for new housing providing its type and size are required to meet local housing needs with regard to creating mixed and balanced communities. The indicative mix for market housing such as to be provided at the application site is for 41% of 2-bedroom and 24% of 1 bed flats. The proposal would provide 2, 2-bed units and 2, 1-bed units which would generally accord with this policy. The site is otherwise not in any area designated for other land uses and is therefore acceptable in principle.

The London Mayor indicates in The London Plan minimum internal floorspace sizes. For 1 bed 2 people flats the minimum is 50 sq.m GIA (gross internal area) and for 2 bed 4 person flats, the minimum is 70 sq.m. The proposals smaller one bed unit would have a GIA of 47 sq.m, although a further 3 sq.m would be provided as under-stair storage. The two-bed flats would each have a GIA of approximately 80 sq.m. It is considered that the proposal would provide suitable-sized accommodation for everyday living.

REGULATORY SERVICES COMMITTEE
22nd August 2013

DENSITY/SITE LAYOUT

The site lies outside any defined PTAL Zone such that the housing density range is between 30-50 units per hectare/150-200 habitable rooms per hectare. The proposed density of 125 units (312.5 rooms) per hectare would considerably exceed this range. However, it is not unusual for flatted development to be at higher densities and schemes which are of a high quality of design and layout can be acceptable.

The site would be laid out with the building being located generally within the footprint of the existing building. Parking is located at the rear beyond a proposed rear amenity space, accessed from an existing shared access to the west (and technically outside of) the application site. While the general layout would be similar to that of No. 123 Marlborough Road with a garage at the end of its rear garden area, it is considered that the proposed site layout would appear as an overly cramped, over-development of the application site, which originally contained a single house and garden. This is discussed in more detail below.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The existing building on the site is detached (unlike its terraced neighbours) and is deeper into the site than properties to either side. The proposal would replace the existing two-storey building with a two-storey building (albeit with accommodation in the roofspace). It is proposed to increase the ridge height by over 1m from the existing such that the building would then be 1m higher than adjoining properties.

It is considered that the proposed building would be more prominent in the street scene than the current building and with a full balcony to the front of the building, would clearly be a different form of development. The main access to the building is located to the side rather than the frontage, which is not a common feature in the streetscene. The character and appearance of the building, with its principle access to the side, balcony features to the front elevation and increased height in comparison to neighbouring property is considered to be at odds with the prevailing character in this part of Marlborough Road, such that it appears visually intrusive and unacceptable in the streetscene.

The main difference between the existing and the proposed scheme is that there would be an increase in depth from 14.5m to 16.4m. It is considered that although there is a wider than normal distance between the existing/proposed building and the neighbouring properties, the depth of the building, height, the proposed wide full gable to the side together with a balcony to the rear would result in a building of significant bulk and mass. The scale, bulk and mass of the building would be clearly visible in the Marlborough Road streetscene and in the neighbouring rear garden environment, despite the contrived chamfered edge to the rear of the development and is to a degree that is considered materially harmful.

The proposed rear elevation would be located more than 30m from the flatted development to the rear of the application site, including Calgary Court, such that it is considered that this relationship would, of itself, be acceptable.

IMPACT ON AMENITY

The Residential Design SPD indicates, in relation to outdoor spaces, that every home should have access to suitable private and/or communal amenity space. In this case, in order to accommodate 5 parking spaces to the rear, the amenity area would be 27sq.m. While there are no prescriptive standards, high quality amenity space should give consideration to privacy, outlook, sunlight, trees and planting, materials, lighting and boundary treatment. It is considered that the amenity area would not provide any privacy to the ground floor occupier and would not be of a sufficient size or quality to provide for four groups of occupiers, including families in the

REGULATORY SERVICES COMMITTEE
22nd August 2013

2-bedroom units.

The proposal provides two balconies for the use of the 2, 2-bed flats. The rear one is located at the corner of the property with the other one to the road frontage. The rear balcony is triangular in shape and 6sq.m in size; the one to the front elevation is 10.45 sq.m. There is also some ground floor amenity space to the front of one of the ground floor units.

Given the location of the front balcony and front amenity space, 1.5m from the rear edge of the highway, and the inadequacy of the rear amenity area, it is not considered that the amenity space would be of a sufficient size, standard or offer an acceptable degree of privacy.

It is therefore considered that the future occupiers would not benefit from a reasonable level of high quality amenity space contrary to the SPD such that the scheme is considered to be an over-development of the application site.

The proposed development would extend well beyond the rear of both existing neighbouring frontage properties. While it is recognised that the existing building does extend beyond the rear of these neighbours, the proposal would extend beyond this. In relation to No.123 Marlborough Road the current property extends 3m beyond the first floor of this property, however, the proposal represents a 6.8m extension beyond the rear of the neighbouring property at first floor level with the balcony extending upto 8.5m from the rear elevation.

The proposal does include a cut-off section such that it would not encroach into a 45 degree line measured 4m back from the neighbouring property. This angled section would provide the main window to the bedrooms at ground and first floor level. Although this would enable some outlook from this window in the general direction of the rear garden of the neighbouring house, given the separation distance and the angle/direction of overlooking it is not judged that this would result in loss of privacy to the adjoining occupier sufficient to justify refusal. It is also proposed to provide all kitchen windows in the elevation facing No. 113 Marlborough Road and all bathrooms and a bedroom (Velux) to the elevation facing No.123 Marlborough Road with obscure glass. This could be secured via condition in the event of planning permission being granted.

HIGHWAY/PARKING

Car parking at 1 space for each property plus one visitor space (5 in total) would be below the parking provision range of 1.5 to 2 parking spaces. It is considered that while this may be generally acceptable for 1-bed flats, the proposal now includes 2, 2-bedroom units and that the parking provision would therefore result in an unacceptable increase in on-street parking to the detriment of traffic flow on this already congested and heavily parked road.

The applicant has raised the possibility of enabling parking at Calgary Court to be used by the new occupiers, nonetheless this would involve an increase in the size of the application site and a fresh planning application such that this proposal is not considered as part of the current application.

The refuse storage area could be located within the rear amenity area some 22m back from the highway. A suitable condition could be attached to any grant of planning permission requiring details of provision for waste and recyclable materials and collection arrangements.

SECTION 106

The proposal is part of a site which originally included the now redeveloped site to the rear known as Calgary Court. Together with the proposed 4 units, the total residential development is

REGULATORY SERVICES COMMITTEE
22nd August 2013

18 units which exceeds the affordable housing trigger level of 10 units and above. Policy DC6 indicates that an element of affordable housing should be provided at 50% of the total housing provision. The number required from the development is therefore expected to be 9 units. Since the last application for this site, the rear element has been completed and largely sold on.

Given this, a payment towards off-site provision is appropriate. The off-site affordable housing contribution was originally calculated at £1,183,503.50.

The applicant has offered £30,000 as an off-site affordable housing contribution. This was considerably less than the calculated amount.

The applicant subsequently submitted a Three-Dragons Viability Assessment which demonstrated that an affordable housing contribution of the level originally calculated cannot be supported by the scheme. Nonetheless, it is considered that the scheme could support the Council's planning obligations payment together with Mayoral CIL.

The local planning obligation is £6,000 per flat which totals £24,000. Since £30,000 was originally offered, it is considered that this payment could be met, nonetheless if planning permission is refused there is no mechanism for securing this payment and it would therefore form a refusal reason.

KEY ISSUES/CONCLUSIONS

The proposal is for a form of development that is at odds with the character of neighbouring development and the streetscene. The design, height, and scale of the building is judged to be overly deep and bulky and result in a form of development that is visually intrusive and out of scale in the streetscene and rear garden environment. Amenity space provision is cramped and provides a poor level of amenity for residents, due to the poor size and limited privacy afforded by the amenity space. Parking provision also falls below the Council's standards. Having regard to the combination of these factors it is considered that the proposal represents a cramped, overdevelopment of the site and be contrary to Policies DC2, DC32, DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD and criteria contained in Residential Design SPD and Supplementary Design Guidance on Residential Extensions and Alterations.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposal would, by reason of its height, bulk, mass and design, particularly the location of balconies to the site frontage and the main entrance to the flank of the building, appear out of scale and character with neighbouring development and out of keeping with the prevailing pattern of development in the streetscene, thereby adversely impacting on the character of the locality contrary to Policy DC61 of the Local Development Framework, Supplementary Planning Document on Residential Design and and Supplementary Design Guidance on Residential Extensions and Alterations.

2. Refusal non standard condition

The proposal, by reason of its bulk, mass, depth and prominent side gabled feature, appear as a visually intrusive and overbearing form of development within the

REGULATORY SERVICES COMMITTEE

22nd August 2013

streetscene and the neighboring rear garden environment, resulting in material harm to local character and amenity, contrary to Policies DC2 and DC61 of the Local Development Framework and criteria in Supplementary Design Guidance on Residential Extensions and Alterations

3. Refusal non standard condition

The proposal would, due to insufficient on-site parking provision, be likely to result in on-street parking to the detriment of amenity, traffic flow and highway safety, particularly around the junction with Calgary Court, contrary to Policies DC2 and DC33 of the Local Development Framework.

4. Reason for refusal - Amenity Space

The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC2 and DC61 of the Local Development Framework and Residential Design Supplementary Planning Document.

5. 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 the provisions of the Havering Planning Obligations Supplementary Planning Document.

1 Refusal - Amendments requested not made

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant made revisions, nonetheless it is not considered that these are sufficient to result in an acceptable scheme.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,512 (subject to indexation). Further details with regard to CIL are available from the Council's website.

REGULATORY SERVICES COMMITTEE

22nd August 2013

APPLICATION NO:	A0029.13	
WARD :	Mawneys	Date Received: 16th May 2013 Expiry Date: 11th July 2013
ADDRESS:	Marlborough Arms Mawney Road Romford	
PROPOSAL:	Replacement Totem Sign.	
DRAWING NO(S):	4722 (P) 210 4722 (P) 201 4722 (P) 501 3349CPS1A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

This planning application has been called in by Councillor Linda Trew owing to the following concern:

The proposal will be out of keeping with the street scene

SITE DESCRIPTION

The site is located at the junction of Mawney Road and Marlborough Road approximately 1km north west of Romford Town Centre, and just to the North of Eastern Avenue.

The site is the former Marlborough Arms Public House. It comprises a two storey building, finished in brickwork, wooden cladding, and stained glass windows; with two active elevations. The main frontage faces Mawney Road with an entrance porch and gable feature which displays the main pub signage; there is also an entrance porch on the Marlborough Road elevation. The rear of the building is characterised by several incremental extensions.

The site is located in the Mawney Road North Minor Local Centre which consists of several retail uses including an Aldi supermarket, a car hire forecourt, two newsagents and takeaways; however the wider area is predominantly residential in nature.

DESCRIPTION OF PROPOSAL

The application seeks consent for a 1m high, 0.9m wide and 0.1m deep aluminium advert to be positioned within the existing Totem sign.

The sign would consist of the text 'Tesco Express' in red and white writing on a blue background.

The maximum illumination level of sign from the existing spot lights would be 500cd/m.

The proposed parking, welcome and goodbye signage and internally 'what's in store' and 'welcome' vinyl signs illustrated on the submitted plans do not form part of this application as they benefit from deemed consent.

REGULATORY SERVICES COMMITTEE
22nd August 2013

RELEVANT HISTORY

- P0599.13 - Installation of ATM pod.
Apprv with cons 11-07-2013
- A0028.13 - 1 x Tesco Express/Opening Hours Fascia Sign (Mawney road elevation); 1 x Gable Fascia Sign (Mawney Road elevation); 1 x Projecting Sign (Marlborough Road elevation); and 1 x Food Vinyl (Marlborough Road elevation)
Awaiting Decision
- P0598.13 - Installation of plant and equipment.
Apprv with cons 11-07-2013
- P0602.13 - Installation of shopfront and other minor external alterations.
Awaiting Decision
- P0600.13 - Installation of canopy and service yard fencing.
Apprv with cons 11-07-2013
- P0601.13 - Erection of small infill extension (10.6 sq m) to rear of existing public house.
Apprv with cons 11-07-2013
- A0004.93 - Three No. lanterns with company logo on - internally illuminated
Apprv with cons 04-03-1993

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of adjoining properties.

Six letters of objection were received as summarised below:

- Traffic and congestion issues
- Impact on business of existing convenient stores
- Road Safety
- Parking issues

Officer's response: The objections relate to the change of use of the building that was permitted development rather than the advert proposed by this application.

RELEVANT POLICIES

LDF

- DC61 - Urban Design
- DC65 - Advertisements

STAFF COMMENTS

The issues arising from this application are the impact on the character and appearance of the building and surrounding area, amenity of neighbours and highway considerations.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC65 states that express consent for advertisements will only be granted if they complement the scale, form and architectural composition of individual buildings and they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on.

REGULATORY SERVICES COMMITTEE
22nd August 2013

The proposed externally illuminated advert positioned within the existing totem pole would replace an existing sign of a similar scale. The proposed advert would not alter the character and appearance of the site or streetscene.

It is therefore considered that the proposed signs by reason of their nature, positioning, design and scale would safeguard and preserve the character and appearance of the site and the surrounding area. The proposal is acceptable in accordance with Policy DC61.

IMPACT ON AMENITY

The proposed level of illumination would not result in any unacceptable levels of glare to warrant a refusal. The advert would be positioned on an existing totem pole

It is considered that the proposed scheme would not be harmful to residential amenity and is therefore considered acceptable in accordance Policies DC61 and DC65.

HIGHWAY/PARKING

Policy DC65 states that the Council will ensure that any advertisements or signs do not pose a hazard to traffic. The sign would be visible from the public highway, however, it is not considered that it would result in any distraction or significant influence to the present traffic situation or affect highway safety.

KEY ISSUES/CONCLUSIONS

Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed signage would not have an adverse impact upon the highway, parking, the street scene or amenity of neighbouring occupiers.

It is therefore recommended that advertisement consent be granted in this case.

RECOMMENDATION

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

1. SC01A (Standard advert condition)

Compliance with the five standard conditions as defined in regulation 2(1) and set out in schedule 2 of the Town and Country Planning: (Control of Advertisements) (England) Regulations 2007

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

REGULATORY SERVICES COMMITTEE

22nd August 2013

3. SC01B (Maximum Luminance)

The maximum luminance of the externally illuminated totem sign hereby permitted shall not exceed 500 cd/m².

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65

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.

REGULATORY SERVICES COMMITTEE
22nd August 2013

APPLICATION NO:	P0636.13	
WARD :	Rainham & Wennington	Date Received: 23rd May 2013 Expiry Date: 18th July 2013
ADDRESS:	3 Crown Parade Upminster Road South Rainham	
PROPOSAL:	Change of use from Use Class A1 (retail) to Use Class A2 (financial and professional services) and alterations to shop front Confirmation of opening hours received 14.8.13	
DRAWING NO(S):	2791BF-199EP 2791BF-199LP	
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 of a vacant ground floor A1 unit with residential flats above. The site is within a Major Local Centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use of the vacant shop (A1) to a betting office (A2).

The proposal would provide an extension of the existing betting shop at no. 4 and allow for one single betting shop across two commercial units.

The proposed opening hours are 8.00am to 22.00pm Monday to Friday, Saturdays, Sundays and Bank Holidays in alignment with the opening hours of 4 Crown Parade, Upminster Road South.

RELEVANT HISTORY

P1868.02 - Retention of single storey rear extension
Apprv with cons 14-01-2003

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of adjoining properties. No letters of objection were received.

RELEVANT POLICIES

LDF

CP4 - Town Centres
DC16 - Core and Fringe Frontages in District and Local Centres
DC33 - Car Parking
DC36 - Servicing

OTHER

REGULATORY SERVICES COMMITTEE
22nd August 2013

OTHER

LONDON PLAN - 2.15 - Town Centres
LONDON PLAN - 4.7 - Retail and town centre development
LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 6.9 - Cycling
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

The issues arising from this application are the principle of the change of use and the impact on the Major Local Centre, amenity of neighbours and parking and highways considerations.

PRINCIPLE OF DEVELOPMENT

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

Policy DC16 of the LDF Core Strategy and Development Control Policies DPD indicates that planning permission within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- The use provides a service appropriate to the shopping area
- The proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- Within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local centres, a 33% figure will apply.

The site visit confirmed that the change of use would result in 3 adjoining non A1 units within the parade, with the extended Betting Office facility occupying two units.

The change of use would result in 48m of the 73m frontage being of a non-A1 use. This is the equivalent of 34% of the length of the frontage being of a non-A1 use, which is marginally above the 33% threshold.

In this particular instance, it is not considered that three adjoining non A1 units in a row would undermine the retail function of the parade, especially as the Betting Office would create footfall and would be open during daytime hours. It is neither considered that the overall percentage of non-retail units within the parade would be harmful to its future viability and vitality, given the very marginal increase above the threshold.

DESIGN/IMPACT ON STREET/GARDEN SCENE

This proposal is for a change of use only such that no issues arise.

REGULATORY SERVICES COMMITTEE

22nd August 2013

IMPACT ON AMENITY

The proposal is for a use which would provide a service within an existing established shopping area. The existing unit is open for business between the hours of 8.00am to 22.00pm and the same hours would be replicated within the extended unit. Given that hours of business of the existing unit are uncontrolled by planning condition, it is considered that it would be unreasonable to introduce a condition in this case.

HIGHWAY/PARKING

While there is a requirement for a unit of this size to provide parking, Annex 5 of the LDF indicates that in town centre locations where public parking is provided, this would not have to be provided separately.

There is public parking to the front of the parade and on the surrounding streets close to the application site which would be acceptable.

Therefore there are no highways objections to the proposed change of use.

KEY ISSUES/CONCLUSIONS

The proposal is for a change of use from A1 to A2 within the Major Local Centre. The use is compatible with a town centre location and would not harm the retail function of the relevant parade. It is therefore considered that the proposal would be acceptable in accordance with retail policy DC16.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

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

Reason:-

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

2. S SC32 (Accordance with plans)

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

Reason:-

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

INFORMATIVES

REGULATORY SERVICES COMMITTEE

22nd August 2013

1 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.

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.

REGULATORY SERVICES COMMITTEE

22nd August 2013

APPLICATION NO:	P0783.13	
WARD :	Romford Town	Date Received: 21st June 2013 Expiry Date: 16th August 2013
ADDRESS:	Ground Floor Scimitar House 23 Eastern Road Romford	
PROPOSAL:	Change of use of ground floor of fully vacant office building(B1) to clinic (D1) for the provision of renal services	
DRAWING NO(S):		
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

Vacant four storey red brick office building on the north side of Western Road, last used by LBH for office purposes. Access to a basement parking area is taken from Slaney Road to the north. There is some limited parking and a drop off area available to the front of the building. There is a barriered access to a small rear yard area from Grimshaw Way which has room for 3 parking spaces. Pedstrian access is available from Grimshaw Way via a gated side access.

The boundary to the site of the War Memorial club is formed by a poorly maintained wire mesh fence. The boundary to the Romford and District Synagogue to the east is formed by that building and fencing.

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of the ground floor of the building from office use to a clinic (D1) for the provision of renal (kidney dialysis) treatment and related services.

The morning session for patients would be between 08:00 and 12:00 hours, the afternoon session between 13:00 and 17:00 hours and the twilight session between 18:00 and 22:00 hours.

The need for the renal clinic arises from the reconfiguration of acute services at Queens Hospital where pressure on space is forcing the relocation of the kidney dialysis and treatment unit. The unit is one which can successfully be located away from main hospital site as has occurred in other similar cases throughout London and the UK. The existing clinic has 18 treatment stations and currently dialyses 90 patients per week, 52 weeks a year.

RELEVANT HISTORY

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

P0923.97 - Generator/UPS housing on roof, oil storage tank and handrail to roof perimeter
Apprv with cons 19-09-1997

P1254.96 - Single storey detached A/C unit room
Apprv with cons 06-12-1996

REGULATORY SERVICES COMMITTEE
22nd August 2013

P0089.95 - Single storey detached plant room
Apprv with cons 23-03-1995

P0277.91 - 20 No. Condensers to roof area (Additional plans received 02/04/91)
Apprv with cons 10-04-1991

CONSULTATIONS/REPRESENTATIONS

Neighbouring properties have been notified - no letters of representation have been received. The application has been advertised in the local press and by site notice as a departure from Policy. The expiry date for the advert is 23 August 2013.

The following were also consulted:

The LFEPA have no objections.

Highways raise no objections

RELEVANT POLICIES

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

DC26 (Location of Community Facilities)
DC32 (Road Network)
DC61 (Urban Design)

The following policies and guidance are also material considerations in this case:

Policy ROM13 of the Romford Area Action Plan

Policies 2.15 (Town Centres) and 3.1 (Ensuring Equal Life changes for All) and of the London Plan.

The National Planning Policy Framework ("the NPPF")

LDF

CP8 - Community Facilities
DC26 - Location of Community Facilities
DC33 - Car Parking
DC34 - Walking
DC35 - Cycling

OTHER

LONDON PLAN - 2.15 - Town Centres
LONDON PLAN - 3.17 - Health and social care facilities

MAYORAL CIL IMPLICATIONS

None arising.

STAFF COMMENTS

This proposal is put before Planning Committee as the proposal would involve a departure from

REGULATORY SERVICES COMMITTEE
22nd August 2013

the Development Plan.

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

PRINCIPLE OF DEVELOPMENT

LDF Policy DC26 advises that new community facilities will only be granted where they are accessible, especially to groups that rely upon public transport, do not have an adverse effect upon residential amenity; that on-street parking should not be of detriment to pedestrian and highway safety and that the buildings should be multi-use and adaptable. The proposed use is considered to meet all of the requirements for the location of community facilities.

Scimitar House is located within the Romford Office quarter where Policy ROM13 encourages proposals to increase the office accommodation. This policy also allows residential and A3 uses subject to certain criteria, including that there would not be any net loss of office space. Other uses, such as that being proposed are not referred to. It is considered that the proposal would be contrary to this policy as it would result in the net loss of office space. However, it is considered that there are material considerations that overcome the proposal's departure to the policy, which are considered later in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The external appearance of the building will be unchanged other than to improve it by bringing it back into use.

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.

No adverse impact upon amenity is anticipated. The use will not be noise generating so the impact upon the adjacent synagogue and War Memorial Club will be minimal.

HIGHWAY/PARKING

Policy DC32 of the LDF states that development will only be permitted where it can be demonstrated that there would be no significant adverse impacts on the road network.

The proposal is ideally located for public transport users and also includes 8 parking spaces for its own use, as well as being located adjacent to the Slaney Road public car park to the rear. No highway objections are raised.

OTHER ISSUES

As discussed, the proposal would be contrary to Policy ROM13 of the Romford Area Action Plan. However, it is considered that there are material considerations that outweigh this.

The need for the renal clinic arises from the reconfiguration of acute services at Queens Hospital where pressure on space is forcing the relocation of the kidney dialysis and treatment unit. The unit is one which can successfully be located away from main hospital site as has occurred in

REGULATORY SERVICES COMMITTEE
22nd August 2013

other similar cases throughout London and the UK. Scimitar House is considered to be ideally situated in a central location, close to the community that it would serve, with excellent transport routes and access to public transport.

The proposal would provide an important health-related facility in easy reach of the local community and permit an identified need at Queens Hospital for a reconfiguration of its services. The existing block is vacant and as the proposal involves the ground floor of the building only, office space would continue to be available.

KEY ISSUES/CONCLUSIONS

The proposal would bring an empty ground floor back into use for an important health-related use, which will be ideally located for the community that it serves. It is considered that there are material considerations that outweigh the proposed departure from Development Plan policy.

The proposal is considered to be acceptable having had regard to Policies DC26, DC32, and DC61 of the LDF and all other material considerations. The expiry date for the advertisement is 23 August so in the event that members agree with the recommendation, the issue of the decision should be delegated to the Head of Regulatory Services unless any subsequent objection is received which raises new issues that have not been covered in this report.

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. SC13 (Screen fencing) ENTER DETAILS

Before any of the buildings hereby permitted is first occupied, fencing of a type to be submitted to and approved in writing by the Local Planning Authority, shall be erected along the south west boundary of the site and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

3. SC06 (Parking provision)

Before the new use hereby permitted is first occupied, a scheme for the areas to be set aside for car parking shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall then be marked out to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of

REGULATORY SERVICES COMMITTEE

22nd August 2013

4. SC45B (Restriction of use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the use hereby permitted shall be a D1 Clinic use only and shall exclude all other uses whatsoever including any other use in Class D1 of the Order, without prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control

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.

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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**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 August 2013

Subject Heading:

P0875.13: The Arcade (East), Farnham Road, Harold Hill

Demolition of existing shops. Proposed construction of a two storey library building (application received 15 July 2013; revised plans received 29 July 2013).

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This application is for the proposed construction of a new library within the Harold Hill shopping centre. The application has been submitted on behalf of the Council. The proposal is considered to be acceptable in all material respects although it

should be noted that the development will require the stopping up of an existing footpath. It is recommended that planning permission be granted.

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 £9,900.00. This is based on the creation of 495m² of new gross internal floor space.

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

Condition 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).

Condition 2: Approved Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and documents approved by the Local Planning Authority 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.

Condition 3: External Materials

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

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

Condition 4: Wheelwash

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 provided before the development commences and used thereafter throughout the duration of construction

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

Condition 5: Hours of Construction

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

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

Condition 6: Construction Method Statement

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

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

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

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

Condition 7: Landscaping

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

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

Condition 8: Contamination:

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

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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.

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

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

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

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

Reason:-

To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

Condition 9: Community Safety

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the '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 or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17, DC33 and DC63 of the LDF Development Control Policies Development Plan Document.

Condition 10: CCTV

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

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17, DC33 and DC63 of the LDF Development Control Policies Development Plan Document.

Condition 11: External Lighting

Details of the external lighting scheme shall be submitted for the approval of the Local Planning Authority prior to the occupation of the building. The lighting shall be installed in accordance with the approved details prior to the first bringing into use of the development and maintained thereafter.

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

Condition 12: Refuse Storage

The development shall not be brought into use until refuse storage arrangements, details of which shall be previously submitted to and approved in writing by the Local Planning Authority, have been provided and made available for use. The facilities provided shall thereafter be permanently retained and shall not be used for any other purpose.

Reason: To ensure that refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Development Control Policies Development Plan Document Policy DC40.

Condition 13: Cycle Storage

Prior to completion of the works hereby permitted, 6 cycle storage spaces of a type and in a location to be 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 to accord with the Development Control Policies Development Plan Document Policy DC35.

Condition 14: Plant and Machinery

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

Reason: To prevent noise nuisance to adjoining premises.

Condition 15: Restricted Use

The development hereby approved shall only be used as a public library and for no other purpose or use, including any other use falling within Class D1 of the Town and Country Planning (Use Classes) Order (as amended).

Reason: To ensure the impact of any alternative use of the premises on amenity can be considered and assessed.

INFORMATIVES:

1. In aiming to satisfy conditions 9 and 10 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).

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

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

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

5. 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 £9,900. 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.

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the eastern side of Farnham Road and has an eastern boundary on to East Dene Drive. The site presently comprises existing, single storey vacant retail units. The retail units are separated by a public walkway, which is known as 'The Arcade', which links Farnham Road with East Dene Drive. The application site forms part of the Harold Hill Minor District Centre.
- 1.2 The area surrounding the application site is mixed in character. To the immediate north and south of the site are servicing and parking areas, associated within the retail units that form part of the shopping centre. The existing buildings north and south of the application site are four storeys high, comprising retail on the ground floor with flats on the three floors above. To the east of the site, on the opposite side of East Dene Drive, residential development is under construction (following recent planning permission granted in December 2012).
- 1.3 The existing shopping centre extends to the west of the site, across Farnham Road. Development here is of similar character, comprising retail units with residential above. Further west, beyond West Dene Drive and south of the site, in Chippenham Road, the character of the locality is predominantly post-war, single family housing. The existing Harold Hill library is located some 150m to the north of the site on Hildene Avenue.

2. Description of Proposal

- 2.1 The application is for the demolition of the existing retail units on either side of The Arcade (eastern side), including two existing units that front on to Farnham Road and the construction of a new library. The existing footway link between East Dene Drive and Farnham Road would no longer exist, as the space would be occupied by the new library building.
- 2.2 The proposed library has a rectangular footprint. The front entrance doors, to Farnham Road, are set back some 12m from the existing building line and the building extends back in an easterly direction for a length of 30m. The building is 19m wide and two storeys high, having an overall height of 7.3m.
- 2.3 Public access/egress is at the western end of the building, facing on to Farnham Road, although there is an alternative access at the eastern end of the building that will primarily be for fire escape access. At ground floor the building provides the main library facilities i.e book storage and seating, together with staff facilities and a multi-use space. The library will

essentially be a double height facility, although the building will be constructed in such a way to enable the installation of a mezzanine floor if required in the future.

- 2.4 The proposed library is designed with double height glazing to the front and rear elevations. Blue mosaic tiling will be used to frame the glazing to the front elevation and to part frame the rear elevation. The remainder of the building is predominantly of brick construction, although there is a full height glazed section of the south elevation of the building, where the proposed staff entrance will be located. The flank elevations of the building are visually broken up into a series of framed, vertical sections. Interest is added to the individual sections by use of glazing and a patterned brick arrangement. The building appears as a flat roofed development, although the roof is, in fact, slightly sloped and has a number of rooflights. The development includes provision for cycle parking and there are also four car parking spaces shown, although these are outside of the defined application site boundaries.

3. Relevant History

- 3.1 There is no previous planning history that is of direct relevance to the proposals. The application does however form part of the Council's wider aspirations for regeneration of the Harold Hill Area, which collectively form the Harold Hill Ambitions project.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press. Neighbour notification letters have also been sent to 203 local addresses. At the time of writing this report the neighbour notification period has expired but the site notice and advert have not (expiry 16 August). Currently one letter of representation has been received and Members will be advised if any further letters are received. The representation objects to the proposal on the following grounds:

- building will affect view from residential flat
- noise and disruption during building works

- 4.2 The Fire Brigade have advised that access for fire brigade vehicles is required to 15% of the perimeter, or within 45m of all points on the projected plans area or footprint of the building, whichever is the least onerous.

- 4.3 The Borough Crime Prevention Design Advisor notes that he has had pre-application discussions regarding these proposals and can confirm that crime prevention measures have been taken into consideration in the design of the proposals. No objections are raised to the proposal subject to community safety related conditions.

5. Relevant Policies

- 5.1 The provisions of the National Planning Policy Framework are a material consideration, particularly sections 1, 2, 4, 7 and 8.
- 5.2 Policies 2.15 (town centres), 3.16 (protection and enhancement of social infrastructure), 4.7 (retail and town centre development), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.2 (inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture) and 7.8 (CIL) of the London Plan.
- 5.3 Policies CP4, CP5, CP8, CP9, CP10, CP17, DC16, DC19, DC32, DC33, DC34, DC35, DC36, DC53, DC55, DC56, DC61, DC62 and DC63 of the Core Strategy and Development Control Policies Development Plan Document.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of development, the design and visual impact; impact on amenity, community safety and parking, highway and servicing implications.

6.2 Principle of Development

- 6.2.1 The application site includes properties that are located within the fringe area of the Harold Hill Minor District Centre. It is acknowledged that the proposal will involve the loss of some small retail units, albeit that they are currently vacant, from the site. Under the provisions of Policy DC16, planning permission for non-retail units in fringe areas may be granted providing that the use:
- Has an active frontage
 - Is open during shopping hours
 - Would not significantly harm the character, function and vitality and viability of the centre
- 6.2.2 The proposed new library would bring a significant new community facility to the heart of this district centre. Whilst the existing library is nearby it is not within the very centre of the shopping centre and is a somewhat dated building. The proposed new library offers a modern environment and enhanced range of facilities that will be to the benefit of the local community. This includes an increased number of books, more public computers, community meeting space and a larger children's area.
- 6.2.3 The proposed new library has been purpose designed to have an active, welcoming public frontage through the inclusion of a double storey height glazed frontage and would be open during shopping hours and beyond. The units to be lost are not to a modern standard and of poor quality, with high levels of vacancy. It is considered that providing a modern, community

facility in this location would be likely to be of greater overall benefit to the character, vitality and viability of the district centre than retention of these small retail units. Accordingly the proposal is judged to comply with the requirements of Policy DC16.

- 6.2.4 The proposed development is consistent with the aims of the Vision, which underpins the LDF Core Strategy, in particular its focus on responding to community needs, improving lifelong learning and enhancing cultural provision within the Borough. The location of the site is consistent with the sequential test set out in Policy DC19, which seeks to ensure that cultural facilities should first be directed towards Romford town centre and the district centres. The written justification for this policy acknowledges that cultural uses, such as that proposed, are key components of town centres in order to increase their vitality and viability and that such uses can aid in extending the economy of town centres. The location of the site is therefore considered to be entirely consistent with LDF policies.
- 6.2.5 The proposal is also in accordance with the general thrust of the National Planning Policy Framework, particular section 8, which emphasises the importance of community facilities and with the London Plan, particularly Policy 3.16, which supports the provision and strengthening of social infrastructure. Staff therefore consider the proposal to be acceptable in principle.

6.3 **Design and Visual Impact**

- 6.3.1 The proposed development is located in an area of largely post-war development, constructed around the 1950's and 1960's. Development is therefore largely consistent in terms of character and materials. However, planning permission has recently been granted for new residential development to the immediate east of this site, where the character of the proposed dwellings is more modern and the palette of materials more varied. Staff therefore consider there to be an opportunity to be innovative with the proposed building design, which will tie in with the regeneration objectives for this part of the Borough.
- 6.3.2 The proposed building will be distinctive and prominent in its surroundings, as it replaces single storey buildings with a two storey structure and will be exposed to its northern, eastern and southern sides. The bulk, scale and mass of the building is judged to be acceptable, given the scale of new residential development that is proposed to the east of the site and the existing four storey development to the west. The building has also been designed to set it in from the back edge of the footway in East Dene Drive. It is considered the proposal represents an opportunity to improve the character of the locality.
- 6.3.3 The proposed development is primarily a brick structure. However, the overall massing of the building has been visually broken up by the use of brick piers, which divide the building into vertical segments. To the southern side of the building there is a double storey height glazed section, with a

concrete surround. Additional detailing has been added through the use of brick patterning and the introduction of glazed sections principally around the upper level of the building. The rear elevation, although not intended to provide general access to the building, also includes a full height glazed section, which complements the design of the front of the building. It is considered that the combination of these elements creates a modern, attractive building, which will fit comfortably within its surroundings.

6.3.4 The proposed front elevation of the building is recessed from the existing building line on to Farnham Road. However, by reason of its double storey design and the strong design of the front elevation, which includes a large section of double height glazing, flanked by mosaic tiles with brick wings on either side, it is considered that this would have a positive impact in the Farnham Road streetscene. The scale, design and materials to the front elevation are judge to be entirely appropriate for a new community building, that will be welcoming to users and contribute well to the character of the locality and the wider streetscene. It is proposed to provide new hardsurfacing to the frontage of the proposed building, which will enhance the overall character of the Farnham Road streetscene.

6.3.5 The application makes provision for a planter at the eastern end of the site. There is little space around the proposed building for further landscaping works. However, it is considered that details of hard and soft landscaping should be submitted and secured through a planning condition to ensure a suitable environment and appearance to the development. Subject to this the character and setting of the development is considered to be acceptable.

6.4 Impact on Amenity

6.4.1 The proposed development is located to the immediate east of existing flats, which are located above the Farnham Road retail units. These flats have habitable room windows, which are situated to the north and south facing flank elevations of the existing blocks. The proposed library building does not obstruct any of these flank windows as it is set back from the Farnham Road frontage.

6.4.2 The proposed library building will extend to the rear of the Farnham Road flats. The flats to the north side of the site have rear facing windows, the closest of which appear mainly to serve bathrooms (as they are mostly obscure glazed). The windows will not be directly obstructed by the proposed, two storey library building. Outlook from the windows will change owing to the proximity of the new building and its two storey height, compared to the single storey retail units that currently exist. There is also potential for some limited light loss to the nearest window of the neighbouring flat on the first floor as the library lies to the south of these windows. However, given the most directly affected window would be to a bathroom the degree of harm resulting is not considered sufficiently material to justify refusal.

- 6.4.3 To the south side of the application site there are also flats located above the Farnham Road retail units. These flats have rear facing windows. Those closest to the site boundaries do not appear to serve habitable rooms and would not be directly obstructed by the proposed development. It is not considered that these windows would be affected to an extent that results in material harm to neighbouring amenity.
- 6.4.4 The application site is located across East Dene Drive from the proposed residential development approved to the east side of the road. The new dwellings will be set in a minimum of 5m from the boundary of the development site, giving a separation distance of approximately 15m, across the highway of East Dene Drive between the respective developments. It is judged that this distance will be sufficient to maintain an acceptable degree of amenity for future occupiers of the residential development.
- 6.4.5 It is considered that care will need to be taken with regard to matters such as external lighting of the site to ensure it is compatible with neighbouring amenity. A condition in respect of lighting and other relevant issues, such as landscaping of the site, community safety, refuse collection etc. will be imposed to ensure the development has an acceptable relationship with neighbouring residential occupiers.

6.5 Parking and Highway Issues

- 6.5.1 The proposed development makes no specific provision for car parking within the boundaries of the application site, although it is proposed to mark out four parking spaces, including one for disabled users, on existing hard surfacing to the south of the application site. The LDF does not have specific parking standards for developments of this type and the suitability of the parking arrangements should therefore be considered having regard to the individual merits of the proposal and its location.
- 6.5.2 The proposal is for a community facility, which is sustainably located within the centre of the district shopping centre. In view of the location of the site and that it is designed primarily to meet the needs of the local community, it is considered that low levels of car parking can be accepted for this development. Staffing levels are anticipated to be low, around 3 employees, and would not generate significant demand for staff parking. Whilst Highways have suggested a condition requiring a staff travel plan, given the low numbers of staff proposed it is not considered that this would be a reasonable request in this case. The development includes provision for 6 cycle parking spaces and is accessible to local residents on foot. It is not therefore considered that any material parking or highway issues would arise from the proposal. Highways have raised no material objection to the proposals.
- 6.5.3 The proposed development includes provision for refuse storage. It is however recommended that a condition be imposed for full details of the refuse collection strategy to be submitted.

6.6 **Mayoral CIL**

6.6.1 The proposed development will have a gross internal floorspace of 550 square metres so is liable for Mayoral CIL. The floor area of one of the existing shop units, which is the only unit that was recently in use (Chinese takeaway) can be subtracted from the floorspace, bringing the chargeable new floorspace down to 495 square metres. This gives a Mayoral CIL liability of £9,900, subject to future indexation.

6.7 **Other Issues**

6.7.1 The application has been discussed at pre-application stage with the Borough Crime Prevention Design Advisor. He has raised no significant community safety related issues in connection with the proposal but requests the imposition of relevant conditions if permission is granted.

6.7.2 It is noted that the proposal will involve the closing down of an existing pedestrian route between Farnham Road and East Dene Drive. The application has been advertised accordingly. There are no material planning objections to the proposed works. However, a stopping up order will need to be obtained separately before the development can commence.

6.7.3 Objections have been raised to noise and disturbance during construction. This does not constitute material planning grounds for refusal, although conditions are recommended to mitigate against the impact of construction works.

7. **Conclusion:**

7.1 The proposed development is considered to be acceptable in principle in this location, within the Harold Hill Minor District Centre. The scale, bulk, mass and design of the development is considered to be acceptable in the streetscene and to complement the character and appearance of the local area. No material harm to residential amenity or to the highway is considered to result from the proposed development. The proposal is considered acceptable in all material respects and it is therefore recommended that planning permission is granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this planning application.

Legal implications and risks:

The planning merits of the application are considered separately to the Council's interests as landowner and applicant.

Human Resources implications and risks:

None

Equalities implications and risks:

The proposed development is for a facility that will be accessible to all members of the community. It includes a range of facilities that cater for a variety of age groups and is considered to contribute to the equality objectives of the Council.

BACKGROUND PAPERS

Planning application P0875.13, received on 15 July 2013 and revised plans received on 29 July 2013.

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**REGULATORY
SERVICES
COMMITTEE**

22 August 2013

REPORT

Subject Heading:

Proposed variation of Section 106 Unilateral Undertaking dated 12th August 2008 (amended 20th October 2011) in connection with planning permission P1526.07 Interwood Site, Stafford Avenue, Hornchurch:

Change of use of site to residential and erection of 73 no. 1 and 2 bedroom flats in 3 blocks.

The development included the provision of 33 units for affordable housing, comprising 9 one-bed flats 24 two-bed flats (23 for rent, 10 for shared ownership, with the Council receiving 64% nomination rights). Only 20 market units could be occupied before the affordable units were completed and transferred to a Registered Social Landlord.

The requested Deed of Variation would reduce the affordable housing to 6 two-bed flats (all shared ownership).

Report Author and contact details:

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Planning Manager
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01708 432800

Policy context:

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

Financial summary

None

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

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

SUMMARY

The report relates to part complete residential development at the Interwood site, Stafford Avenue, Hornchurch. The site has the benefit of planning permission under references P1135.03 and P1526.07 (granted on appeal). P1526.07 was subject to a Section 106 unilateral undertaking completed on 12th August 2008 (the original undertaking), revised by agreement dated 11th October 2011. The owners have requested a deed of variation based on the viability of the scheme to provide 6 affordable units, rather than 33 originally proposed.

Staff, having commissioned an independent assessment of viability, consider the request to be reasonable and recommend that a deed of variation should be completed.

RECOMMENDATIONS

It is recommended that the variation of the Section 106 undertaking dated 12th August 2008 pursuant to planning permission reference number P1526.07 by Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), be approved in the following terms:

1. Revise Definition of Affordable Housing Units from:

“33 dwelling units comprising 9 one bedroom and 24 two bedroom dwelling units 23 for rent and 10 for shared ownership to be managed by the Registered Social Landlord in the Proposed Development with the Council to receive 64% of the nomination rights”

to:

“6 dwelling units for shared ownership to be managed by the Registered Social Landlord in the Proposed Development with the Council to receive nomination rights as set out in the East London Framework Agreement.”

2. Revise Definition of Nomination Agreement from:

“An agreement between the Council and a Registered Social Landlord outlining the Council’s nomination rights in respect of the Proposed Development”

to:

“Nominations as set out in the East London Framework Agreement”

3. Add Definition:

East London Framework Agreement – An agreement between Boroughs in East London setting out nominations for affordable housing.

4. Add Clause to require a contribution for affordable housing (commuted sum), such contribution (which may be zero) to be based upon a revised viability assessment of the approved scheme submitted by the developer if the development has not been completed by 31 January 2016, with independent assessment being undertaken for the Council at the developers expense.

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

Save for the variation set out above and any necessary consequential amendments to the original undertaking all recitals, terms, covenants and obligations in the said original undertaking (as amended by agreement dated 11th October 2011) shall remain unchanged.

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

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

REPORT DETAIL

- 1.1 The site subject to the request for a deed of variation of the original undertaking has an area of approximately 1.023 hectares, formally containing industrial and office buildings, at the western end of Stafford Avenue. Part of the site has been redeveloped to provide residential flats. Other parts of the site have been cleared although one office building remains.
- 1.2 The site has planning permissions for the redevelopment of the site to provide 93 residential units. Permission for 20 flats in two blocks was granted in 2003 (P1153.03) with a legal agreement securing an education contribution and

that further leases on the site would not be renewed so that redevelopment of the rest of the site would come forward. Permission for an additional 73 flats in three blocks was granted on appeal in 2008 (P1526.07) with a Section 106 unilateral undertaking signed and dated 12th August 2008. The legal undertaking included clauses to secure:

- 33 affordable housing units (9 one-bed, 24 two-bed; 23 for rent, 10 for shared ownership) to be provided prior to the completion of no more than 20 open market units.
- Either to pay for or undertake agreed highway works
- Education contribution of £299,002
- Restriction on occupiers obtaining residents parking permits for the area.

- 1.3 The undertaking was varied by way of agreement dated 20th October 2011 to enable the education contribution to be paid in phases.
- 1.4 Of the 2008 planning permission, one block containing 18 flats has been completed with work on the two other blocks (55 flats) yet to commence.
- 1.5 The developer has requested that the requirement for affordable housing be relaxed on the basis that the completion of the development is unviable. The developer has submitted a viability appraisal in order to demonstrate that the market conditions are significantly different from when permission was granted and that the provision of affordable housing at the level previously agreed results in a significant loss and therefore the development would remain stalled. The developer has suggested that they could provide 6 two-bed shared ownership flats as affordable housing.
- 1.6 The viability appraisal submitted by the developer has been independently assessed. The conclusions of the independent assessment of the viability appraisal are that the offer by the developer to provide 6% affordable housing for shared ownership is more than reasonable and should be accepted.
- 1.7 LDF Policy DC6 and London Plan Policy 3.12 allow for viability to be taken into account when considering whether the maximum reasonable amount of affordable housing can be provided.
- 1.8 The developer has indicated that if the new affordable housing offer is accepted, the next Phase of the development can progress to provide much needed residential units.
- 1.9 Staff therefore consider that it would be reasonable in this case to vary the S106 to relax the requirement for the number of affordable housing units to be provided. As a fall-back position should the development not come forward relatively promptly, an additional clause is recommended which would require a revised viability assessment to be undertaken if the development is not completed by 31 January 2016. This (approximately) 2 and half year window allows for notice to be given to tenants which occupy an existing office

building on site together with the design and tender of the project and the build period itself.

2. **Conclusion**

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

IMPLICATIONS AND RISKS

Financial implications and risks:

No direct financial implications or risks.

Legal implications and risks:

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

Human Resources implications and risks:

None

Equalities implications and risks:

None

BACKGROUND PAPERS

1. Planning application and appeal file relating to P1153.03 and P1526.07.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 August 2013

Subject Heading:

P0241.13 Queen's Theatre, Billet Lane

The installation of 2 No. pole mounted antennas, 2no. 600mm dish antennas, 1no. equipment cabin and development ancillary thereto and handrails
(Application received 6 March 2013)

Report Author and contact details:

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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	[]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The installation of 2x pole mounted antennas, 2x 600mm dish antennas, 1x equipment cabin and development ancillary thereto and handrails. The proposal is

considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is judged to be acceptable in all material respects and subject to safeguarding conditions it is recommended that planning permission is granted.

The application site comprises Council owned land.

RECOMMENDATIONS

That the Committee notes that the development proposed is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

The proposal is acceptable as it stands 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 following plans and documents approved by the local planning authority:

MTR096-GA-01A
MTR096-GA-02A
MTR096-GA-03A

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

3. Materials - Before any of the development hereby permitted is commenced, a sample of brickwork vinyl sheet to be used in the external finish of the cabinet 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.

INFORMATIVES

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.

REPORT DETAIL

1. Site Description

- 1.1 The subject site positioned to the east of Billet Lane and west of North Street consists of the Queens Theatre.
- 1.2 The building is designed with a tower feature situated to the centre of a ground floor element. The roofs of the building consist of a number of external decorations, handrails and air and smoke vents.
- 1.3 To the north of the site are the Havering Social Club and a car park. To the south of the site is open space and further south another car park. To the east of the site is an office block and the Hornchurch Library and to the west of the site are the Fairkytes Arts Centres.
- 1.5 The surrounding area also consists of residential properties to the north east and north west of the site.
- 1.6 The application site falls within the Langtons Conservation Area.

2. Description of Proposal

- 2.1 The application involves the installation of 2x pole mounted antennas, 2x 600mm dish antennas, 1x equipment cabin and development ancillary thereto and handrails.
- 2.2 The two pole mounted antennas at 4.2m high would be above the upper roof level and would also consist of an attached 600m diameter dish. The antennas and dishes would be installed on the eastern elevation of the tower.
- 2.3 The equipment cabin at 3.4m wide, 1.9m deep and 2.81 high would be positioned on a steelwork support frame fixed to the brickwall at one end and situated on concrete plinths at the other end. The cabinet would be finished in a brick vinyl cover to match the existing brickwork. The cabin would be sited on the lower roof level.

- 2.4 A new counterbalanced handrail is proposed that would adjoin the existing handrail. A handrail to the south of the site is also to be removed.

3. Relevant History

- 3.1 P0426.97 - To provide radio coverage to east London Area for the ionica telephone network - approved
- 3.2 A0014.98 - Shop sign – illuminated - approved

4. Consultations/Representations

- 4.1 The application was publicised by the direct notification of adjoining properties. No letters of objection were received.

5. Relevant Policies

- 5.1 Policies CP17, DC61, DC64 and DC68 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document are material considerations.

In addition, Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD and Sustainable Design and Construction SPD are material considerations.

- 5.2 Policies 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology) and 7.15 (reducing noise and enhancing soundscapes) of the London Plan are material considerations.
- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6. Staff Comments

- 6.1 The issues arising from this application are the principle of development, the impact of its design, scale and massing on the character of Langtons Conservation Area, neighbours living conditions and parking and highway matters.

6.2 Principle of Development

- 6.2.1 Policy DC64 'Telecommunications' states planning permission for telecommunications development will only be granted where:
- it does not have an unacceptable effect on the character and appearance of the surrounding area or in other respects unacceptably harm the amenity of occupiers of neighbouring sites
 - the proposal is sufficiently screened, it has no undue effect on the skyline, the height of the proposal is acceptable in relation to the existing

topography and it does not cause an adverse effect on local conservation value

- the applicant has demonstrated the significance of, and need for the proposal as part of a national network
- the applicant has demonstrated that the proposal is the least environmentally intrusive option of all technically feasible alternatives, including those of sharing a mast or site, using an alternative location or using an existing building or structure
- a statement is provided with mobile phone base station applications stating compliance with the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure.

6.2.2 The Council recognises that the proposed works are required to support the Airwave emergency services communications system and provided they preserve the appearance of the Conservation Area, do not have a harmful impact on the amenities of neighbouring occupiers or parking and highway implications, the proposal is considered acceptable in principle.

6.3 Design and impact on streetscene

6.3.1 The application site is located within Langtons Conservation Area. The statutory duty applied to planning authorities in the exercise of their planning functions in conservation areas is set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This aim is reflected in Policy DC68 of the LDF Development Control Policies Development Plan Document.

6.3.2 Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where:

- it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area
- it preserves or enhances the character of the Conservation Area and is well designed
- it does not involve the loss of trees which contribute towards the character of the Conservation Area.

6.3.3 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

6.3.4 The proposed antennas positioned in part above the roof of the building would protrude into the skyline. It is considered that as the antennas by reason of their limited scale and grey finish would have limited visual impact and not become an over prominent feature. It is considered that the proposal would not harm the character and appearance of the building or Conservation Area.

- 6.3.3 The proposed telecommunications cabinet by reason of its positioning set back from the ground floor elevation and limited scale would be in part screened and only visible from the surrounding streetscene at oblique angles. The proposal finished in brick work vinyl sheets of a colour to match existing would also significantly reduce its prominence when visible from the highway.
- 6.3.4 Subject to safeguarding conditions, it is therefore considered that the development would safeguard and preserve the character and appearance of the building and the Langtons Conservation Area. The proposal is therefore acceptable in accordance with Policy DC61 and DC68 and the advice contained within the NPPF.

6.4 Impact on Amenity

- 6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.4.2 The proposed works by reason of their positioning on a non-domestic building, scale and separation distance from neighbouring properties would not impact on any neighbours living conditions.
- 6.4.3 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties. The development is therefore considered acceptable in accordance Policy DC61.

6.5 Highway/Parking

- 6.5.1 No highways or parking issues arise from this proposal. Any vehicles needing to service the antennas and cabinet could park within the site.

8. Conclusion

- 8.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the telecommunication apparatus would preserve the character of Langtons Conservation Area, the residential amenity of the occupants of neighbouring properties and not result in parking or highway issues.
- 8.2 The application therefore complies with aims and objectives of Policies DC61, DC64 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

Financial implications and risks:

None

Legal implications and risks:

The application site comprises Council owned land.

The planning merits of the application are considered separately from the land interest.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 06 March 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 August 2013

Subject Heading:

**P0298.13 South Hornchurch Library,
Rainham Road**

**Retention of a portacabin and change
of use to a nursery and storage for the
library service (Application received 13
May 2013).**

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The application is for the retention of the building on a temporary basis and a change of use from B1 (Offices) to D2 (Day nursery). The proposal is considered

acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact, parking and highway issues. The proposal is judged to be acceptable in all material respects and subject to safeguarding conditions it is recommended that planning permission is granted.

The application site comprises Council owned land.

RECOMMENDATIONS

That the Committee notes that the development proposed is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

The proposal is acceptable as it stands subject to the conditions set out below.

1. This permission shall be for a limited period only expiring on 22.08.16 on or before which date the temporary building on the site shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

The temporary nature of the building is such that permanent permission would not be appropriate in the interests of amenity. This permission is therefore granted on a temporary basis to enable the Local Planning Authority to retain control, and that the development accords with LDF Development Control Policies Development Plan Document Policy DC61.

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

PLAN 3
SPS1724

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

3. Car parking - Before the building(s) hereby permitted is first occupied, provision shall be made within the site at South Hornchurch Library for 10 nursery staff car parking spaces and an area for drop-off and pick-ups shall be made available on site; thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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. Number of Children - The number of children accommodated within the premises hereby approved shall not exceed 65 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. Hours of Use - The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 and 19:00 on Mondays to Fridays, 09.00 and 17.00 on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

6. Hours of Use of Outdoor Area - The outdoor play area shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:30 on Mondays to Fridays, 09.00 and 17.00 on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

7. 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. 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 of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

9. Boundary treatment – Prior to the commencement of the change of use hereby approved, details of all proposed walls, fences and boundary treatment of the play area shall be submitted to, and approved in writing by, the Local Planning Authority. The fence or wall 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.

INFORMATIVES

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.

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 notification and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. Site Description

- 1.1 The subject site positioned to the south east of Nelson Road and west of Rainham Road consists of South Hornchurch Library and Community Centre.
- 1.2 To the north of the site is an existing portacabin. The siting of the portacabin was approved in 2004 on a temporary basis for a two year period as a Health Care Facility under planning application P0632.04. In 2007 a further two year extension was granted for the retention of the portacabin under planning application P1098.07.
- 1.3 In 2008 planning permission for the retention of the portacabin building as ancillary offices and storage space to the library was approved on a temporary basis only until 10th December 2011 under application P1669.08.
- 1.4 To the south side of the site are the Community Centre and Library buildings. The car parking provisions on site are located to the south west of the site.
- 1.5 The surrounding area is characterised by residential properties to the north, east, south and west.
- 1.6 The property immediately to the northwest across Nelson Road is an existing nursery.

2. Description of Proposal

- 2.1 The application is for the retention of the 322sqm building on a temporary basis until 22.08.2016 and a change of use from B1 (Offices) to D2 (Day nursery).
- 2.2 The nursery would employ 13 full time members of staff with 11 on site at a single time.
- 2.3 The nursery would cater for up to 65 children ranging from 18months to 6 year olds.
- 2.4 The proposed opening hours would be 7.30am to 7.00pm Monday – Friday and 9.30am to 5.00pm on Saturdays. The Nursery would be closed on Sundays and Bank Holidays.
- 2.5 No external changes are proposed to the building. A play area would be created to the southeast of the building and north east of the community centre.

2.5 The existing 10 car parking spaces to the south west of the application site would be retained and serve the Nursery.

3. Relevant History

3.1 P1669.08 Retention of the temporary building to be used as offices – approved.

3.2 P1098.07 Extension for a further two year period until 31st May - approved.

3.3 P0632.04 Erection of single storey building for temporary health - approved

4. Consultations/Representations

4.1 The application was publicised by the direct notification of adjoining properties. One letter of objection was received as summarised as follows:

- Noise and Disturbance
- Traffic Issues and Congestion

4.2 One letter of support was received as summarised as follows:

- Meet the needs and increase the number of childcare

4.4 The Fire Brigade is satisfied with the proposal.

4.5 Environmental Health raise no objections on the grounds there is no intention to cook food.

4.6 The Environment Protection Officer has no objection to the proposal, subject to the attachment of safeguarding conditions.

4.7 Highways raise is no objection to the proposal. The attachment of an informative is requested.

5. Relevant Policies

5.1 Policies CP8, DC26, DC27, DC28, DC32, DC33, DC55 and DC63 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document are material considerations.

5.2 Policies 3.6 (children's play facilities), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking) and 7.4 (local character) of the London Plan are material considerations.

5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6. Staff Comments

6.1 The issues arising from this application are the principle of development, the impact of its design, scale and massing on the character of the area, impact on neighbours living conditions and parking and highway matters.

6.2 Principle of Development

6.2.1 Government Policy states that Local Authorities can play a part in rebuilding the economy. When determining planning applications Authorities should support enterprise and facilitate development where it could create jobs and business productivity.

6.2.2 Nurseries are accepted as being community facilities, where there is a requirement for places within the borough. The Boroughs Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places. The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by child minders. The proposed Nursery would contribute, albeit in a small way to providing for the significant shortfall of places.

6.2.3 LDF Policy CP8 states the council will work in partnership with other bodies to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by:

- ensuring all new community facilities are located in places that are or will be accessible by a range of transport, including walking and cycling, and that the development itself is accessible to all groups

6.2.4 The proposal would further be subject to Policy DC26 of the LDF document. New community facilities will only be granted where they:

- a) are accessible by a range of transport modes
- b) do not have a significant adverse effect on residential character and amenity
- c) are where practicable provided in buildings which, are multi-use, flexible and adaptable

6.2.5 The proposed use will provide a day nursery which would introduce a use which will have a positive contribution to the community, and provided it has no harmful impact on the amenities of neighbouring occupiers or parking and highway implications, is acceptable in principle.

6.3 Design and impact on streetscene

6.3.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

- 6.3.2 The further retention of the building for a temporary period of three years would have a neutral effect on the existing character and appearance of the site and surrounding area, and subject to safeguarding conditions, no lasting impact.
- 6.3.3 No external works are proposed to the building. The proposed play area by reason of its nature and use would be in keeping with the character and appearance of the site that provides community facilities in the form of a community centre and library. The design of boundary treatment to the play area would be secured by way of condition.
- 6.3.4 Subject to safeguarding conditions, it is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and advice contained within the NPPF.

6.4 Impact on Amenity

- 6.4.1 The application site is located in an area which is characterised by community facilities where a certain level of activity and associated noise is to be expected.
- 6.4.2 Noise would arise from the use of any outdoor area. However, as the outdoor play area by reason of its positioning centrally in the site would be screened on three sides by the existing buildings and separated from the residential properties to the north by Rainham Road. It is considered that the proposal would not significantly impact on residential amenity in terms of noise and disturbance, subject to a condition limiting hours of outdoor play.
- 6.4.3 The proposed hours of use are between 7.30am and 7.00pm on week days and 9.30am to 5.00pm on Saturdays are hours of operation similar to that existing on site. The proposed hours of use of the outdoor play area are between 9.00am and 5.30pm on week days and 9.00am to 5.00pm on Saturdays.
- 6.4.5 The proposal by reason of its separation distance from residential properties and nature of the proposed use would not result in any significant loss of outlook, overshadowing or loss of sunlight and daylight to neighbouring properties.
- 6.4.6 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties. The development is therefore considered acceptable in accordance Policy DC61.

6.5 Highway/Parking

- 6.5.1 Policy DC26 requires community uses to be accessible by a range of transport modes including walking, cycling and public transport and sufficient on street car parking should be provided. For D1 use, which

includes day nurseries and creches, 1 car parking space per member of staff should be provided. There is also a requirement for a drop off area.

- 6.5.2 The site consists of 10 car parking spaces on site and no more than 11 staff would be working at a time. The existing space to the rear of the community centre would be used as a dropping off area for the children.
- 6.5.3 The Highway Authority confirmed that as the level of car parking space on site is only slightly lower than required on site they have no objection to the proposed change of use.
- 6.5.4 The peak time early morning and late afternoon traffic caused by parents dropping off/picking up children would cause an increase in activity in this part of the Borough and Rainham Road. However, it is considered that any resulting increase in the level in traffic from the proposed use would not be of such magnitude as to warrant a reason for refusal.

8. Conclusion

- 8.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed change of use and retention of the building on a temporary consent would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.
- 8.2 The application therefore complies with aims and objectives of Policies DC26, DC61 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

The application site comprises Council owned land.

The planning merits of the application are considered separately from the land interest.

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 provides a community facility and contributes to the provision of child care for all elements of the community.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 19 March 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 August 2013

Subject Heading:

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

**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, 24 July and 29 July
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. The application was deferred by the Regulatory Services Committee on 18 July to enable the submission of revised plans relating to the boundaries of the application site. The report is brought back to the Committee, updated to reflect the revisions to the scheme. 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.

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.
- 2.4 The drawings have been revised since the application was initially submitted. The revisions have changed the red line boundary around the application site to address land ownership issues. The layout and location of the car parking spaces to be allocated to the proposed new units has also been changed, although the number of spaces remains as seven.

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 33 planning applications have been submitted as part of this package of proposals, of which all bar this application have been considered by the Regulatory Services Committee and approved.

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 30 local addresses. Following the initial round of consultation two letters of representation, including one letter with five signatories, were 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

Further neighbour notification has been undertaken following the receipt of revised plans. One further letter of representation has been received from a local resident raising a range of issues relating to the handling of the Briar Road project and the handling of this application. This letter is being considered under the Council's complaints procedure

- 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 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 This application was deferred at a previous meeting of the Regulatory Services Committee to enable the formal submission of revised plans and consultation with the public. The purpose of the revised plans was to deal with concerns raised by local residents with regard to land ownership issues. These matters are addressed more specifically in Section 6.8 below.

6.2 Background

- 6.2.1 This application forms part of a package of planning applications, which in combination form a strategy for the regeneration of the Briar Road estate. The proposals form part of the Harold Hill Ambitions programme, which is a regeneration strategy aimed at creating physical and social improvements within this part of the Borough.
- 6.2.2 The Briar Road estate (The Briar) is located in Heaton ward of the Harold Hill area and covers an area of 25 hectares. It is made up of 1,200 homes and has more than 4,000 residents.
- 6.2.3 The Briar also has some particular design issues relating to the quality of some of the housing, the layout of the streets and alleyways and parking, and the use of green spaces. The Briar has some attractive and quiet quarters with mature trees and a green space at Bosworth Field, as well as a community centre at the Betty Strathern centre.
- 6.2.4 In contrast, parts of the estate are in a run down condition with homes in need of investment and the typical problems of restricted access, lack of surveillance and poor use of communal areas and spaces. This has contributed to a decline in the quality of the public realm, with many garages disused for example, and some crime and anti social behaviour.
- 6.2.5 The layout of the estate has resulted in poor connections through the site, with limited pedestrian access in places, insecure surroundings and a

general lack of recreational and play facilities. The Radburn layout with poorly overlooked parking areas creates more difficulties. The open spaces throughout the estate are not well connected to each other, and the estate is set back behind Straight Road and to some extent 'on its own'

The Briar and consultation to date

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

6.2.12 In October 2011 the Council appointed Notting Hill Housing Trust as its development partner to build the new homes.

6.2.13 A final Phase 4 of consultation sessions Further consultation sessions took place towards the end of 2012, with a public meeting in April 2013, for residents to look at the detailed proposals for new homes, village square, parking and other environmental improvements.

6.2.14 The overall strategy for the Briar Road Estate is to deliver a range of environmental improvements, including new homes and community facilities. The planning applications submitted thus far relate to new housing proposals which also have an associated programme of environmental improvements.

6.3 Principle of Development

6.3.1 The application site is located within an existing residential estate and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF.

6.3.2 The proposal is considered, in principle, to contribute to the wider regeneration objectives of the Harold Hill Ambitions Programme and to enable physical regeneration of the Briar Road Estate. The detailed impacts of this planning application are considered further below.

6.4 Layout, Design and Visual Impact

6.4.1 The proposed 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. A further drawing has been submitted with the application, which overlays the land ownership title of neighbouring properties onto the application site plan. This clearly indicates that the application site boundaries, as indicated by the red line around the site, does not encroach onto land owned by neighbouring residents. 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.

- 6.8.2 Whilst the application site does not encroach onto neighbouring property, concerns were raised by local residents that the layout of the parking spaces for the proposed units were such that vehicles would have to manoeuvre across adjoining land outside of the applicants control to access/egress the spaces. Whilst this too is a land ownership issue and therefore technically outside of the planning process, the applicants have amended the plans to re-site the seven parking spaces to be provided as part of the proposed development in order that they can be used without needing to encroach over land owned by neighbouring properties. Staff are therefore satisfied that there are no material grounds to refuse the application based on land ownership issues.

- 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; revised plans received 11 June, 24 July and 29 July 2013 .

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REGULATORY SERVICES COMMITTEE

REPORT

22 August 2013

Subject Heading:

P0689.13 – Land adjoining the Central Leisure Centre, Gooshays Drive, Romford

Development of land to the front of the existing leisure centre for car parking for the adjoining Myplace Youth Centre

(Application received 3 June 2013)

Report Author and contact details:

Helen Oakerbee, Planning Manager
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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 development of the open land in front of the leisure centre building for a car park for up to 56 spaces, which will be used by the adjoining Myplace Youth Centre for additional car parking purposes when organised events take place. The provision of additional car parking space will help to reduce the need for on-street car parking close to the site. The planning issues include the principle of development, design and street scene, impact on amenity, parking and highway matters. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application site comprises council owned land.

RECOMMENDATIONS

The application is recommended for approval subject to the conditions set out below:

1) Time limit for commencement – 3yrs:

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

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Parking provision:

The area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

3) Materials:

Before any of the development hereby permitted is commenced, samples of all materials to be used for the surfacing of the car park hereby approved 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 Policy DC6

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

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

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

Reason:

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

6) 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

7) Ground Contamination: Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for landscaping purposes shall in addition satisfy the requirements of 85 3882.2007 "Specification of Topsoil".

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

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

8) Boundary Treatment: Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to the Local Planning Authority for its approval in writing. 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.

- 9) 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 full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline).
 - b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
 - c) The air quality assessment shall predict air quality with the development in place (with development).
 - d) The air quality assessment should also consider the following information:

- A description containing information relevant to the air quality assessment.
 - The policy context for the assessment – national, regional and local policies should be taken into account.
 - Description of the relevant air quality standards and objectives.
 - The basis for determining the significance of impacts.
 - Details of assessment methods.
- Public Protection: Bringing together Environmental Health & Trading Standards
- Model verification.
 - Identification of sensitive locations.
 - Description of baseline conditions.
 - Assessment of impacts.
 - .Description of the construction and demolition phase, impacts/ mitigation.
 - Mitigation measures.
 - Assessment of energy centres, stack heights and emissions.
 - Summary of the assessment of results.

For further guidance see leaflets titled “EPUK Guidance Development Control: Planning for Air Quality (2010 update), IAQM Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

INFORMATIVES

1. Reasons for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP7, CP8, CP17, DC20, DC27, DC33, DC53, DC62 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.19, 4.6 and 6.13 of the London Plan and Section 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

2. 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.

3. 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.
4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. In aiming to satisfy Condition **6** 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).
7. Statement Required by Article 31 (cc) of the Town and Country Planning (Development 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.
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 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.

REPORT DETAIL

1. Background

The application has been submitted to obtain planning permission for the development of the land in front of the Central Leisure Centre for car parking purposes for up to 56 spaces. The car park is for the adjoining Myplace Youth Centre to provide additional car parking space for the youth centre when organised events are organised. This is to help reduce the need for on-street car parking when additional parking space is required by people attending organised events at the youth centre.

2. Site Description

- 2.1 The site consists of an area of landscaped open land in front of the Central Leisure Centre, off Gooshays Drive, Harold Hill, Romford. The site adjoins the vehicular access to the leisure centre from Gooshays Drive. There are a number of semi-mature trees on the highway frontage of the site. The site at present consists of a lawned area, which has a gentle slope from the north to the southern end of the site. The site is situated within a primarily residential area.

3. Description of Proposal

- 3.1 It is proposed to clear the site and produce a level surface, which will be treated with hardstanding and marked out for 56 car parking spaces. The boundary trees on the highway frontage to the site are to be retained and additional boundary tree planting where appropriate. Vehicular access is to be taken from the existing driveway which gives vehicular access to the leisure centre from Gooshays Drive. A new vehicular access directly onto Gooshays Drive will not be necessary.

4. Relevant History

- 4.1 None relating to this part of the leisure centre site,

5 Consultations/Representations

- 5.1 Notification letters were sent to 58 neighbouring properties and no letters of representations has been received from any local residents.
- 5.2 Highway Authority - No objections and supports the inclusion of vehicular parking for the existing units, which is aimed at preventing overspill onto the public highway.
- 5.3 Environmental Health - No objections providing suitable conditions are imposed to deal with air quality arising from the development and measures to deal with any contaminated material on the site. .
- 5.4 Police Crime Prevention Design Adviser - No objections providing crime prevention measures are incorporated in the design of the car parking area. .
- 5.5 Thames Water - No comments have been received.
- 5.6 Essex and Suffolk Water - No comments have been received.

6. Relevant Policies

- 6.1 Policies CP17 (design), CP8 (Community facilities) DC20 (Access to recreation and leisure) DC27 (Provision of Community facilities) DC33 (car parking), DC53 (Land contamination) DC62 (Access) DC61 (urban design), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Draft Planning Obligations SPD and the Residential Design.
- 6.2 Policies 3.19 (Sports facilities), 4.6 (Support for sports, arts, culture and entertainment), 6.13 (Parking) and 7.3 (Designing out Crime) of the London Plan.
- 6.3 National Planning Policy Framework (NPPF) Section 7 “Requiring Good Design”.

7. Staff Comments

- 7.1 This proposal is put before the Committee owing to the application site being owned and administered by the Council. The main issues to be considered by the Committee are the design of the car park, its impact in the street scene and adjoining properties and the highway/parking implications of the development. Members should consider the principle of development, the site layout, design/street scene issues, amenity implications, and parking and highways issues.

8. Principle of Development

- 8.1 The principle of developing the land within the leisure centre site for additional car parking space for an adjoining youth centre is considered acceptable in

land use terms. The provision of additional car parking space to reduce the need for on-street car parking in the area during organised events is consistent with the National Planning Policy Framework.

- 8.2 Policies 3.19 and 4.6 of the London Plan states that support should be given for the provision sports and entertainment facilities, including improvements to existing facilities. Policies CP17, CP5 Dc20 and DC27 all support the provision of community facilities such as sport and recreation, according to the Local Development Framework Core Strategy. The improved car parking facilities will benefit the community activities at the adjoining youth centre and are acceptable in principle.
- 8.3 The site is presently used as a landscaped strip of open land in front of the Central Leisure Centre building. The site is located within a predominantly residential area and the additional car parking space on site to reduce the impact of on-street car parking upon the adjoining residents is supported from a planning point of view.

9. Design and Visual Impact

- 9.1 The submitted plans show a rectangular plot of land which has been marked out for a linear car park with two rows of parking spaces, giving a total of 56 spaces. The trees on the highway frontage of the site are to be retained and additional tree planting around the boundaries of the proposed car park is to be carried out. The vehicular access to the site is to be taken from anew driveway off the existing access drive to the leisure centre from Gooshays Drive. The landscaping and boundary treatment of the site can be dealt with by the imposition of appropriate planning conditions attached to any approval for the development. The design of the new car parking area is in keeping with the adjoining leisure centre building and the associated car parking areas on the remainder of the leisure centre site. The size, siting and layout of the proposed additional car park would not be out of character with the adjoining development within the vicinity of the site. The retention of boundary trees and additional boundary planting will complement the overall setting of the development

10 Impact on Amenity

- 10.1 The development of the site for a new car park for 56 parking spaces will not have an adverse impact upon the residential amenities of the occupants of the adjoining properties. The new car park will be sited sufficiently far enough away from the adjoining residential properties so as not to cause any significant impact for the adjoining residents. The layout of the proposed car park on the site ensures that a reasonable amount of open space and tree planting areas can be provided for the benefit of the occupants of the adjoining residential properties flats. In terms of visual impact and noise and disturbance from car users of the car park, the proposed car park is considered to sufficiently far enough from the adjoining dwellings so as not to result in significant harm to amenity for the adjoining neighbours. It is

considered that the new car park will have an acceptable relationship with the adjoining properties, with no loss of residential amenities.

11 Highways / Parking Issues

- 11.1 The proposed access arrangements for the site are acceptable and will provide satisfactory access for the users of the new car park to be provided on the site. The layout of the car park is considered to be acceptable and provides adequate space for the utilization of the proposed 56 parking spaces. The additional car parking space will help to reduce the need for on-street car parking when additional space is needed for organized events at the youth centre. There are no highway objections to these proposals which utilise the existing vehicular access to the leisure centre site from Gooshays Drive.

12 Other Issues

- 12.1 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.

13 Conclusion

- 13.1 The design of the car park layout, its impact in the street scene and upon the amenities of the occupants of the adjoining properties is acceptable. The car parking space to be provided on the site and the amount of space to be made available for the retention of existing trees and the planting of additional trees on site is satisfactory for this type of development. As a result there are no planning objections to these proposals and accordingly a recommendation of approval has been made.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed car park would be constructed to meet the normal Council standards for this type of development.

BACKGROUND PAPERS

Application forms and plans received on 3rd June 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

22 August 2013

Subject Heading:

P0535.13 – The Royals Youth Centre,
Viking Way, Rainham

Erection of a new second floor at roof level to the existing youth centre to provides a youth enterprise space, a multi-purpose space, ancillary spaces and minor internal modifications to the building.

(Application received 30th April 2013)

Report Author and contact details:

Helen Oakerbee, Planning Manager
01708 432800

helen.oakerbee @havering.gov.uk

Local Development Framework

Policy context:

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 construction of a new second floor area at roof level of the existing youth centre building, off Viking Way in the centre of Rainham. It is to provide space for a youth enterprise area, with additional activities space and a series of internal alterations to the building. The planning issues include the principle of development, design and street scene, impact on amenity, parking and highway matters. These issues are set out in detail in the report below. Staff considers the proposal to be acceptable.

The application site comprises Council owned land.

RECOMMENDATION

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 £3,280.00. This is based on the creation of 164m² of new gross internal floor space.

The application is recommended for approval subject to the conditions set out below:

1) Time limit for commencement – 3yrs

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

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Materials:

Before any of the development hereby permitted is commenced, samples of all materials, including final finishes to be used in the external construction of the extension to the building 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 Policy DC

3) Accordance with plans

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

Reason:-

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

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

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

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

Reason:-

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

6) 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

7) Balcony Restriction: The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 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 no significant problems were not 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. 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.

4. 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.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy Condition 6 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 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 £3,280.00. 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 consists of a modern, two storey, hipped roofed building which has been used as a youth centre for young people in Rainham. It is situated off Viking Way opposite the Tesco supermarket and adjoining a petrol filling station. The site is connected by a pedestrian walkway to Upminster Road South, which is included within a conservation area. The site is situated within a mixed commercial and residential area close to Rainham town centre. There is vehicular access to the site off Viking Way.

2. Description of Proposal

- 2.1 It is proposed to construct an extension at first floor level for additional floorspace at second floor level to provide a youth enterprise area. It will occupy the space within the main roof void at the front of the building and cantilevers over the existing entrance. The extension will have a floor area of 164 square metres. It will have a glazed corner feature and the structure will be clad in stained timber, which will align with the existing black weatherboarding. There will be no changes to the car parking area and the vehicular access to the site.
- 2.2 The second floor extension will provide an additional 164 square metres of internal floorspace and therefore the development would be liable for a Community Infrastructure Levy at £20.00 per square metre, giving a charge of £3,280.00 towards infrastructure costs to serve the development.

3. Relevant History

- 3.1 A0026.13 – One 3-d. lettering standing on a parapet – Pending.
- P0800.98 – Variation of conditions for the original consent for the building – Approved 16.10.98 .

4 Consultations/Representations

- 4.1 Notification letters were sent to 45 neighbouring properties. No letters of representation have been received from local residents/property occupiers.

Highway Authority - No objections. No extra car parking spaces are to be provided, but the site is close to local public car parks.

Environmental Health - No comments have been received.

5. Relevant Policies

- 5.1 Policies CP17 (design), CP8 (Community facilities) DC28 Location of community facilities), DC30 (Contribution of community facilities), C61 (urban design), of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents.

- 5.2 Policy 4.6 (Support for and enhancement of arts, culture, sport and entertainment) of the London Plan.
- 5.3 National Planning Policy Framework (NPPF) Section 7 “Requiring Good Design”.

6 Staff comments

- 6.1 This proposal is put before the Committee owing to the application site being owned and administered by the Council. The main issues to be considered by the Committee are the design of the extension to the youth centre building, its impact in the street scene, the adjoining properties and the highway/parking implications of the development.

7 Principle of Development

- 7.1 The principle of an extension to a local community building within a mixed commercial and residential area is considered acceptable in land use terms and the provision of additional community facilities is consistent with the National Planning Policy Framework.

8 Design and Visual Impact

- 8.1 The youth centre building consists of a two storey structure, with a conventional hipped roof. The proposals have been submitted for a second floor extension above the main entrance to the building, which will be built with light stained timber cladding, which will contrast with the dark grey and black weatherboarding for the existing building. The design will be viewed with the lighter parts of the structure seen against the skyline and the darker parts of the building below. This contrast in cladding for the extension does give interest to the design and external appearance of the building in a positive manner. The contemporary design and visual impact of the extension to the building is acceptable in these circumstances. The extension to the youth centre building in this type of urban built-up setting is acceptable. The size, siting and height of the extended building is not out of character with the adjoining development within the vicinity of the site.
- 8.2 In respect of the overall design and architectural style of the building, it is considered that there is no distinctive architectural style in this part of Viking Way. It is considered that the modern design of the development would be acceptable in principle and would integrate into the wider area.

9 Impact on Amenity

- 9.1 The development of the site for a second floor extension to the youth centre building should not have an adverse impact upon the residential amenities of the occupants of the adjoining properties. The building will be sited sufficiently

far enough away from the adjoining residential buildings so as not to cause any adverse impact upon the adjoining residents. The extended building, in terms of its bulk and size is considered to be compatible with the surrounding area and will not have an adverse impact upon the residential amenities of the occupants of any nearby residential properties. It is contended that the extended building will have an acceptable relationship with the adjoining properties in the locality.

10 Highways / Parking Issues

- 10.1 The proposed access arrangements for the site are acceptable and will provide satisfactory access for the visitors to the building. The parking arrangements are considered to be acceptable. There are at present 10 car parking spaces on site, with some accommodation for cycle parking. Vehicular access is taken onto Viking Way on the north western side of the site. The site is located close to a number of public car parks and is able to meet the access and servicing needs of the development. There are no highway objections to these proposals which utilise the existing vehicular access to the site from Viking Way.

11 Other Issues

- 11.1 Policy DC63 requires new development to address safety and security in the design of new development and a condition to this effect is recommended. The second floor extension has a floor area in excess of 100 square metres and therefore it will be liable for a Mayoral Community Infrastructure Levy, which is included in the earlier part of the report.

12 Conclusion

- 12.1 The design of the extension to the youth centre building is considered to be acceptable as a whole. Its impact in the street scene and upon the amenities of the occupants of the adjoining properties is acceptable. The car parking space to be provided on the site is satisfactory for this type of development. As a result there are no planning objections to these proposals and they are considered to be acceptable in terms of scale, form, massing and visual impact. The proposal would have an acceptable relationship to adjoining properties. The development is also considered to be acceptable in respect of parking and highway issues. It is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

The planning merits of the application are considered separately to the Council's interests as landowner and applicant.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed extension to the building would help to provide improved community facilities for the area.

BACKGROUND PAPERS

Application forms and plans received on 30th April 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

22 August 2013

Subject Heading:	Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway Land at Little Gerpins Lane, Upminster, shown zebra hatched on the plan annexed to this report (Application received 22 nd April 2013)
Report Author and contact details:	Vincent Healy, 01708 432467 Vincent.Healy@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	[]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This report relates to an application received on 22nd April 2013 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P1471.09). The planning permission (planning reference P1471.09) involves the variation of planning conditions 1,3 and 6 with consequential variation to conditions 2, 4 and 15 of planning permission reference P1426.96 to enable the improved final restoration of the site. ("the Planning Permission").

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) ("the Act") to stop up the area of highway shown zebra hatched on the plan (plan number 0912/HW/2 v2) annexed to this report ("the Plan") so that the development can be carried out. The Council's highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway zebra hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission under planning reference P1471.09 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.

- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 27th June 2011 the Council granted Planning Permission under planning reference P1471.09) the variation of planning conditions 1,3 and 6 with consequential variation to conditions 2, 4 and 15 of planning permission reference P1426.96 to enable the improved final restoration of the site. The Planning Permission was issued on 27th June 2011. As part of the planning permission the arrangements for the site entrance were submitted and approved as shown on plan 0912/FC/2.
- 3.2 The stopping up is necessary in order that the development and in particular the access arrangements shown on plan 0912/FC/2 can be implemented and it involves the stopping up of two roughly triangular shaped sections of existing public highway at Little Gerpins Lane, Upminster shown zebra hatched on the Plan annexed to this report.
- 3.3 The larger of the two sections of public highway to be stopped up is approximately: 4.0 metres between points A and B, 28.5 metres between points B to C, 9.5 metres in length between points C and D, 8 metres in length between points D and E and 25.0 metres between points E and A as shown zebra hatched on the Plan annexed to this report. The smaller of the two areas to be stopped up is is approximately 3.0 metres in length between points F to G, 14.0 metres between points G and H and 13.5 metres between points F and H
- 3.3 The development involves building on land which includes part of the said area of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or

any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 Financial Implications and Risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer.

4.2 Legal Implications and Risks:

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

4.3 Human Resources Implications and Risks:

None that are directly attributable to the proposals.

4.4 Equalities and Social Inclusion Implications:

None that are directly attributable to the proposal which would if confirmed allow planning permission to be carried out which would provide secure access to the land.

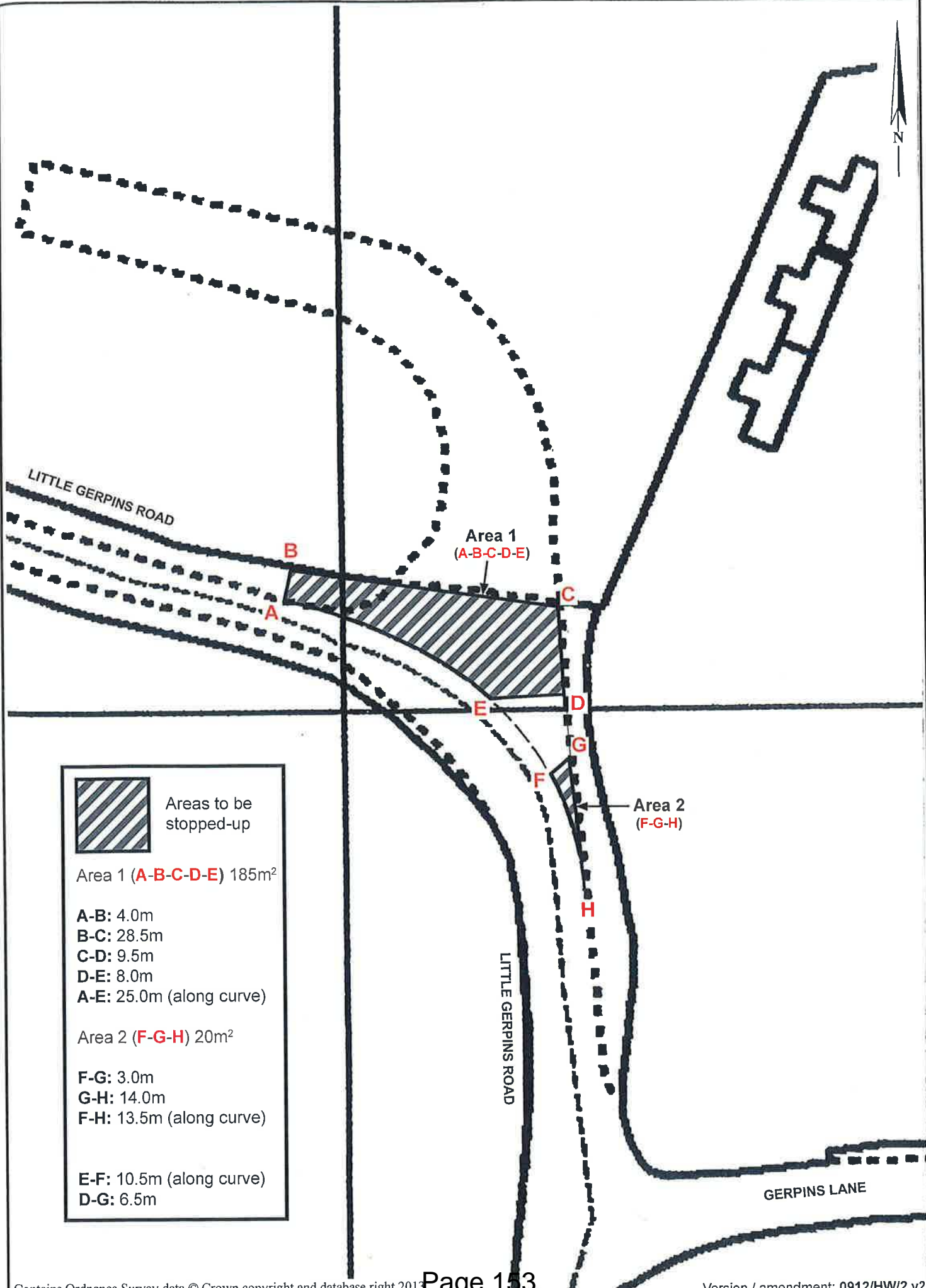
CONCLUSION


The proposed stopping up relates to an area of highway the stopping up of which is necessary to enable the improved final restoration of the site pursuant to the Planning Permission (reference P1471.09), which includes the access arrangements shown on plan 0912/FC/2. It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched on plan number 0912/HW/2 v2.

Background Papers List

1. Report of Regulatory Services Committee which resolved to grant planning permission under planning reference P1471.09.
2. Plan with plans numbered 0912/FC/2 and 0912/HW/2 v2 the latter showing the area to be stopped up zebra hatched

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 Areas to be stopped-up

Area 1 (A-B-C-D-E) 185m²

A-B: 4.0m
 B-C: 28.5m
 C-D: 9.5m
 D-E: 8.0m
 A-E: 25.0m (along curve)

Area 2 (F-G-H) 20m²

F-G: 3.0m
 G-H: 14.0m
 F-H: 13.5m (along curve)

E-F: 10.5m (along curve)
 D-G: 6.5m

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REGULATORY SERVICES COMMITTEE

REPORT

22 August 2013

Subject Heading:	<p>Application for the Stopping Up and diversion (under Section 247 of the Town and Country Planning Act 1990) of Highway at land to the rear of Garrick House, Adelphi Crescent, Hornchurch shown zebra hatched on the plan annexed to this report with area of diverted path shown by stipple notation on a separate plan attached.</p> <p>(Application received 31st May 2013)</p>
Report Author and contact details:	<p>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</p>
Policy context:	<p>Local Development Framework</p>
Financial summary:	<p>None</p>

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

- Ensuring a clean, safe and green borough [X]
- Championing education and learning for all [X]
- 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

SUMMARY

This report relates to an application received on 31st May 2013 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P0665.13). The planning permission (planning reference P0665.13) involves the construction of two single storey extensions to create four self-contained sheltered housing flats with associated amenity and car parking (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of footway (highway) shown zebra hatched on the plan 12040_100 annexed to this report (“the Plan 1”) and the section of diverted highway created shown in stipple notation on the plan 12040_101 annexed to this report (“the Plan 2”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up and diversion is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the payment of legal costs in respect of the disbursements costs pursuant to advertising notices that:-

- 2.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (Plan 1), with the section of diverted highway created shown in stipple notation on a further plan attached (Plan 2), as the land is required to enable development for which the Council has granted planning permission under planning reference P0665.13 to be carried out to completion and the diversion of the footway between points “A” and “B” as shown on the attached plan
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.

- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 1st August 2013 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P0665.13 for the construction of two single storey extensions to create four self-contained sheltered housing flats with associated amenity and car parking. The Planning Permission was issued on 9th August 2013. As part of the planning permission the arrangements for the site entrance were submitted and approved as shown on plan 12040_101.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0665.13 can be implemented and it involves the stopping up of a length of existing footway between points "A" (552387.194, 186850.778) and "B" (552442.305, 186852.180) of 52.2 metres in length and 2.1 metres in width shown zebra hatched on the Plan annexed to this report.
- 3.3 The diverted footpath/footway as shown 12040_101 on the attached plan and will be constructed as a metalled footway of 2.14 metres in width and 64.41 metres in length and will join with the existing highway at points A (552387.194, 186850.778) and B (552442.305, 186852.180) on the attached plan.
- 3.3 The development involves building on land which includes part of the said area of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan 1 needs to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed and the diverted footway as shown with stipple notation on Plan 2 attached, is constructed and available for public use.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and diversion of any highway if it is satisfied that it is necessary to do so in

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

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

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the applicant.

4.2 **Legal Implications and Risks:**

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

4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

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 considered the above duty and the Human Rights Act 1998 the stopping up and diversion of the path will not lead to a break in the continuity of access. The standard of the footway as diverted will match the standard of the existing footway and will be light and secure. The location of the section of the footway as diverted should not appreciably inconvenience users and the diverted footway will be accessible to all users.

CONCLUSION

The proposed stopping up and diversion relates to an area of highway the stopping up of which is necessary to enable the development of land pursuant to a planning permission (planning reference P0665.13), which involves the construction of two single storey extensions to create four self-contained sheltered housing flats with associated amenity and car parking (“the Planning Permission”). It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched and create a diverted path as shown on the attached plans.

Background Papers List

1. Report of Regulatory Services Committee of 1st August 2013 which resolved to grant planning permission under planning reference P0665.13.

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DO NOT SCALE
 REPORT ERRORS AND OMISSIONS TO THE ARCHITECT
 CHECK ALL DIMENSIONS BEFORE FABRICATION

REVISION DRAWN CHKD DATE

Adelphi Crescent

ABANY ROAD

Page 161

Adelphi Crescent

Stopping up of highway running eastwards and then south-eastwards from point 'A' (OS Grid Point: E:552387.194, N:186850.778) to point 'B' (OS Grid Point: E:552442.305, N:186852.180) for a distance of 52.2metres with a width of 2.1metres.

Point A:
 E:552387.194,
 N:186850.778

Point B:
 E:552442.305,
 N:186852.180



CONTRACT
Plan 1
Garrick House
Adelphi Crescent
Hornchurch, RM12 4LB

SCALE 1:500 @A3

DATE 13 Aug 2013


DRAWN CH

CHECKED DH

DRAWING No
12040_100

REVISION

CO-ORDINATES OF FOOTPATH TO BE STOPPED			
Location	Easting (x global)	Northing (y global)	Notes
Point A	552387.194	186850.778	
Point B	552442.305	186852.180	
100/14	552387.343	186848.496	
100/15	552442.964	186850.150	
100/16	552398.037	186845.290	
100/17	552398.114	186847.660	

KEY:
 Proposed highway to be stopped up



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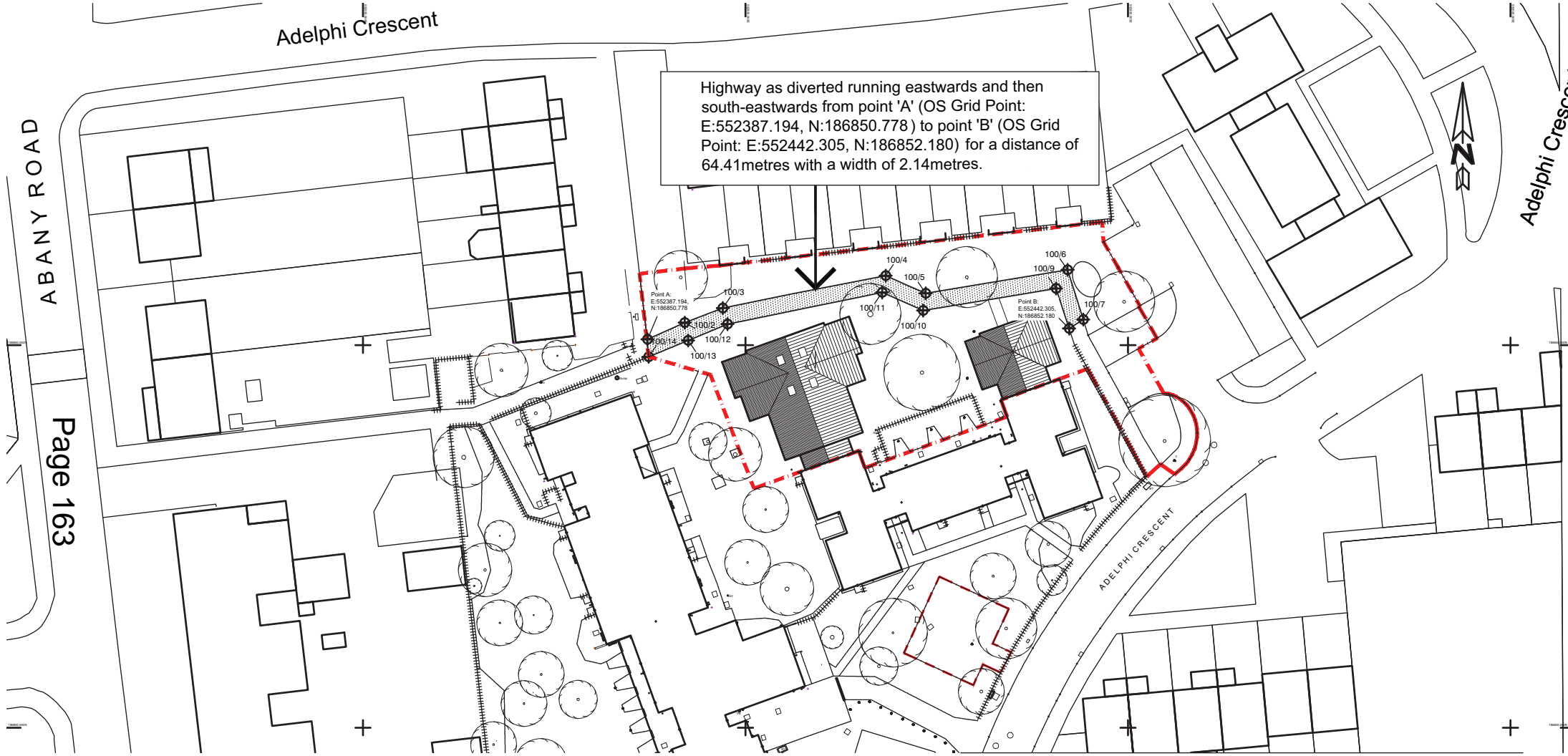
Adelphi Crescent

ABANY ROAD

Page 163

Highway as diverted running eastwards and then south-eastwards from point 'A' (OS Grid Point: E:552387.194, N:186850.778) to point 'B' (OS Grid Point: E:552442.305, N:186852.180) for a distance of 64.41metres with a width of 2.14metres.

Adelphi Crescent



Scale Bar 1:500



KEY:
 Proposed highway as diverted

CONTRACT
Plan 2
Garrick House
Adelphi Crescent
Hornchurch, RM12 4LB

SCALE 1:500 @A3

DATE 13 Aug 2013

DRAWN CH

CHECKED DH

DRAWING No

12040_101

REVISION

CO-ORDINATES OF FOOTPATH TO BE DIVERTED			
Location	Easting (x global)	Northing (y global)	Notes
Point A	552387.194	186850.778	
100/2	552392.071	186852.944	
100/3	552397.046	186854.850	
100/4	552418.332	186859.090	
100/5	552423.553	186856.779	
100/6	552442.113	186859.855	
100/7	552444.152	186853.349	
Point B	552442.305	186852.180	
100/9	552440.608	186857.418	
100/10	552423.233	186854.528	
100/11	552417.874	186856.900	
100/12	552397.658	186852.752	
100/13	552392.500	186850.624	
100/14	552387.343	186848.496	



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