



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
12 September 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:**

**Richard Cursons (01708 432430)  
richard.cursons@havering.gov.uk**

## **AGENDA ITEMS**

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

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

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

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

### **4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 24)**

### **5 P0038.13 - 34 MAYGREEN CRESCENT, HORNCHURCH (Pages 25 - 32)**

### **6 P1510.12 - R/O 57 BROOKDALE AVENUE, UPMINSTER (Pages 33 - 50)**

### **7 ENFORCEMENT REPORT - REAR OF 39 COLLIER ROW LANE (Pages 51 - 58)**

**8 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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# Agenda Item 4

## Regulatory Services Committee

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<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-7	P0518.13	Brooklands	111-115 North Street, Romford
8-12	P0630.13	Romford Town	88 North Street, Romford
13-22	P0641.13	Upminster	Coopers Company & Coborn School, St. Marys Lane, Upminster

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## REGULATORY SERVICES COMMITTEE

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<b>APPLICATION NO:</b>	<b>P0518.13</b>	
<b>WARD :</b>	Brooklands	<b>Date Received:</b> 11th July 2013 <b>Expiry Date:</b> 10th October 2013
<b>ADDRESS:</b>	111-115 North Street Romford	
<b>PROPOSAL:</b>	Change of use of property from B1 to mix use comprising D1 (education, religious meetings and training centre)	
<b>DRAWING NO(S):</b>	Site Location Plan 2009/C182/01 2009/C182/02 2009/C182/04 2009/C182/04	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The site comprises an existing, 3 storey office building and its curtilage located at 111-115 North Street, Romford. The building under consideration is currently vacant. The site fronts onto North Street, and includes a car park between the front of the application building and the highway. A further parking area, in the basement of the building, is accessed from Brooklands Lane.

The site's eastern boundary runs alongside North Street, with a bus stop being located immediately adjacent to the site. On the opposite side of the highway are numerous retail units and residential properties. The southern boundary adjoins Brooklands Lane, beyond which are several residential properties. The western and northern boundaries adjoin the car park and premises associated with a large retail shed development; this site is allocated in the Romford Area Action Plan for future residential development.

The site is located towards the northern end of Romford Town Centre and has a public transport accessibility level (PTAL) of 5-6. The Como Street car park is located in close proximity to the site.

Whilst the site is located in Romford Town Centre, there are numerous residential properties located in close proximity to the site, including those along North Street, Como Street and Ingrave Road, the nearest of which are located approximately 25m from the site.

### **DESCRIPTION OF PROPOSAL**

This planning application proposes the change of use of an existing office building to a mix of D1 uses, primarily a centre of worship and educational facility. According to the submitted plans, the proposal would include the following elements:

- a) A multi-purpose hall with capacity for 90 people at ground floor level;
- b) Classrooms, break out areas, playroom, therapy room, office and waiting area at first floor level. These aspects of the proposal would relate to a school for autistic children, community education, marriage and educational counselling, and tuition for school age children;

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c) An office, resident pastor's office, library, and two accommodation units each containing living areas and two bedrooms at second floor level for use by the resident pastor and caretaker.

The proposed use would include various weekly clubs, including childrens clubs during the school holidays and lunch clubs for the elderly.

The proposal would include 25 car parking spaces along with a bicycle storage area.

### **RELEVANT HISTORY**

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

P1095.12 - Change of Use of offices(B1) to a facility for the homeless, including daytime drop in centre and cafe, meeting & counselling services on the ground floor, accommodation for homeless people on first floor, addiction rehabilitation services and provision of worship facilities and temporary overnight rough sleeper accommodation at second floor - Refused on the following grounds:

"1) The proposal is considered to be out of proportion to the actual identified need for such specialist accommodation within Havering. It is considered that the proposed development would attract vulnerable adults with complex care needs into the local area. It is considered that the resultant concentration of such individuals in the locality would give rise to significant adverse impacts on the amenities of neighbouring occupiers as a result of anti social behaviour. The proposal is therefore considered to be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and Policy 7.1 of the London Plan.

2) It is considered that the proposal would give rise to a significant fear of crime amongst local residents and that it would therefore be detrimental to peoples sense of place, safety and community. The proposal would therefore be contrary to Policy 7.1 of the London Plan."

### **CONSULTATIONS/REPRESENTATIONS**

Notification letters were sent to 152 neighbouring properties.

Objection letters have been received from 6 neighbouring occupiers. The objections raised are as follows:

- i) The application is associated with an applicant for a previous application, which was refused;
- ii) The proposal would be harmful to the amenities of local businesses and residents;
- iii) The proposal could contribute to an increase in crime in the local area;
- iv) More homeless people and drug addicts will be encouraged to come to the local area and will cause a nuisance during the day time;
- v) The proposal would result in significant adverse parking and traffic impacts;
- vi) The proposal would have harmful noise impacts.

2 letters of support have been received. The comments received are as follows:

- i) Hope4Havering provide a high quality and much needed service to the homeless;
- ii) The proposal will benefit homeless people.

Comments have also been received from the following consultees:



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Environmental Health - No objections; conditions recommended.

Highways - No objections.

Crime Prevention Design Advisor - No objections; condition recommended.

**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 - The Road Network  
DC33 - Car Parking  
DC61 - Urban Design  
DC63 - Delivering Safer Places

The following planning guidance is also of relevance:

The Romford Area Action Plan DPD ("the DPD")

The London Plan: Policy 7.1 "Building London's Neighbourhoods and Communities"

National Planning Policy Framework ("the NPPF")

**MAYORAL CIL IMPLICATIONS**

The proposed development would not give rise to any financial contribution under the Mayoral CIL Regulations.

**STAFF COMMENTS**

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

**PRINCIPLE OF DEVELOPMENT**

The proposed development would result in the change of use of an existing building to a mix of D1 uses including a place of worship. Policy DC26 states that planning permission for new community facilities, such as churches, will be granted under given circumstances. The proposal is therefore considered to be acceptable in principle.

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

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

The proposal would not result in any significant changes to the external appearance of the application building. It is recommended that a condition be imposed, should planning permission be granted, requiring the submission of details relating to any proposed superficial changes to the building's external appearance, such as the colour scheme.

Subject to the afore mentioned condition, it is considered that the proposal, in terms of its visual impact, would be in accordance with Policy DC61 of the LDF.

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**IMPACT ON AMENITY**

Policies DC26 and DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy 7.1 of the London Plan states that development should contribute to people's sense of place, safety and security.

The proposal is for the redevelopment of an existing building, which is located within Romford Town Centre. It is considered that a facility of the size and type being proposed in this case would generally be inappropriate in predominantly residential areas. However, whilst the site is located within the Town Centre, there are numerous residential properties located nearby and the potential impacts on the amenities of neighbouring occupiers therefore need to be given careful consideration.

Objections received from neighbouring occupiers state that the proposal would result in an increase in people with drug and alcohol abuse issues being attracted to the local area and a resultant increase in anti-social behaviour and crime. It is stated that the proposal would be detrimental to the amenities of residential occupiers and local businesses.

A previous planning application for a centre of worship and a homeless hostel (reference: P1095.12) was refused on the grounds that it would be likely to attract homeless people into the local area from beyond the borough boundaries and that the resultant concentration of such individuals in the local area could give rise to significant adverse impacts on the amenities of neighbouring occupiers as a result of anti social behaviour. It was also clear from the representations received that the proposal would give rise to a significant fear of crime and be detrimental to peoples sense of place, safety and community. The proposal was therefore considered to be contrary to Policies DC5, DC26 and DC61 of the LDF and Policy 7.1 of the London Plan.

The current proposal would not include the provision of a hostel facility, and the submitted information does not make any reference counselling or other activities associated with drug and alcohol abuse, or homelessness. However, it is understood that the applicant does have close links with the applicants of the previous application. To ensure that the proposed activities would not attract individuals with complex needs into the area, it is recommended that conditions be imposed preventing the use of the building as a hostel facility, or for any purpose associated with drug and alcohol misuse or homelessness.

The Council's Environmental Health officers have raised no objections subject to the use of conditions to prevent a noise nuisance to neighbouring occupiers. These conditions can be imposed should planning permission be granted. A further condition controlling operating hours, in accordance with those proposed by the applicants, is also recommended.

**HIGHWAY/PARKING**

Policy DC26 of the LDF state that proposals for community facilities will only be granted where they are accessible by a range of transport modes, including cycling and public transport, and would not be detrimental to highway and pedestrian safety. Policy DC32 states that development should not be detrimental to the highway network.

Neighbouring occupiers have raised concerns about the impact the proposal would have on local parking and access arrangements.

The site is located in a relatively accessible location, within walking distance of Romford Town Centre and on a major bus route. The proposal would include 25 parking spaces and the site is located in very close proximity to the Como Street public car park. The Council's Highway

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officers have raised no objections to the proposal subject to any planning consent granted being for a temporary of time. Whilst a temporary consent would offer the opportunity for the Local Planning Authority to test the highway impact of the proposal, it is considered to be unreasonable, given the expense to the applicants of converting the building to the proposed use.

Given the highly accessible location of the building and the range of local vehicle parking opportunities, it is considered that the proposal would not result in any significant adverse impacts on highway safety or amenity, subject to the use of a condition requiring the approval of a Travel Plan. The Travel Plan shall include provisions for the encouragement of car sharing, the use of public transport, and highlighting the locations of public car parking.

### **OTHER ISSUES**

#### Crime Prevention

The Crime Prevention Design Advisor has raised no objections to the proposal.

#### Environmental Matters

The Council's Environmental Health officers have raised no objections to the proposal subject to the use of conditions relating to the control of noise. These conditions should be imposed if planning permission is to be granted.

### **KEY ISSUES/CONCLUSIONS**

Subject to the afore mentioned conditions, the proposal is considered to be acceptable having had regard to Policies DC26, DC32, DC33, DC61, and DC63 of the LDF and all other material considerations.

### **RECOMMENDATION**

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

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

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

Reason:-

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

#### **2. 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

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**3. Non Standard Condition 31**

No development shall take place until details of any proposed alterations to the external appearance of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.

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

**4. Non Standard Condition 32**

No part of the application building shall be used as a hostel or to otherwise provide over night accommodation, except for the pastor, caretaker, and their family members.

Reason: In accordance with Policy 7.1 of the London Plan and to ensure that the proposal does not attract people with complex needs into the local area. It is considered that the resultant concentration of such individuals in the locality would give rise to significant adverse impacts on the amenities of neighbouring occupiers as a result of anti social behaviour. It is also considered that such development could give rise to a significant fear of crime amongst local residents and that it would therefore be detrimental to peoples sense of place, safety and community.

**5. Non Standard Condition 33**

Before the development commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

**6. Non Standard Condition 34**

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

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

**7. Non Standard Condition 35**

The building shall only be used for educational and club activities between the hours of 10.00am and 9.00pm Monday to Friday, and between 10.00am and 4.00pm on Saturdays, and not at all on Sundays, Bank or public holidays.

The building shall only be used for religious activities between 7pm and 9pm on Wednesdays and Fridays, and between 8.00am and 3.00pm on Sundays. Religious activities may take place between 7.00pm and 2.00am on the First Friday of each month.

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**8. Non Standard Condition 36**

No counselling or other activities associated with drug and alcohol abuse or homelessness shall take place at any time.

Reason: In accordance with Policy 7.1 of the London Plan and to ensure that the proposal does not attract people with complex needs into the local area. It is considered that the resultant concentration of such individuals in the locality would give rise to significant adverse impacts on the amenities of neighbouring occupiers as a result of anti social behaviour. It is also considered that such development could give rise to a significant fear of crime amongst local residents and that it would therefore be detrimental to peoples sense of place, safety and community.

**9. Non Standard Condition 37**

The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provisions for the encouragement of car sharing, the use of public transport, and highlight the locations of public car parking in close proximity to the site. The Travel Plan shall be monitored and reviewed on an annual basis. The use shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety and amenity, and in accordance with Policy DC32 of the Development Control Policies DPD.

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**INFORMATIVES**

**1 Highways Informatives**

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

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

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

**2 Approval - No negotiation required**

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

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<b>APPLICATION NO:</b>	<b>P0630.13</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 5th July 2013 <b>Expiry Date:</b> 30th August 2013
<b>ADDRESS:</b>	88 North Street Romford	
<b>PROPOSAL:</b>	Change of Use of shop A1 to use for therapeutic massage (Sui Generis)	
<b>DRAWING NO(S):</b>	Ordnance survey map Proposed ground floor plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site is located on the north eastern side of North Street approximately 70 metres south east of the junction with Ingrave Road. The application premise forms the ground floor of a three storey end of terrace property. The application property and adjoining commercial uses forms part of the retail fringe of Romford Town Centre. The application premise is currently vacant but has most recently been in use as a bridal shop entitled Bliss Bridals.

### **DESCRIPTION OF PROPOSAL**

This full planning application proposes the change of use of the premises from retail (use class A1) to a use for therapeutic massage (use class Sui Generis).

The proposed floor plan shows a retail/reception area, a W.C, shower room, kitchen and four treatment rooms.

With regards to employment, the applicant detailed that there would be two full-time and four part-time staff. The opening hours are proposed to be 9:00am to 10.00pm Monday to Saturday (including Bank Holidays) and 9.00am to 8.00pm on Sundays.

### **RELEVANT HISTORY**

P0010.09 - Change of use of ground floor office (A2) to restaurant/takeaway (A3/A5).  
Refuse 23-03-2009

P1904.08 - Change of use from A2 to A3/A5

THIS HAS BEEN TRANSFERRED TO P0010.09  
Lapsed application 21-12-2011

P2279.05 - Retention of change of use from A1 retail to A2 financial & professional services  
Apprv with cons 09-02-2006

### **CONSULTATIONS/REPRESENTATIONS**

55 neighbouring occupiers were notified of the application. No letters of representation were received.

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Due to the location of the site in Central Romford with nearby 'Pay & Display' car parks - the Highway Authority has no objection to the proposals.

**RELEVANT POLICIES**

LDF DPD Policies: DC33 and DC61  
Romford Area Action Plan DPD: ROM 11 - Retail Fringe  
Chapter 2 - ensuring the vitality of town centres of the NPPF is relevant.

**MAYORAL CIL IMPLICATIONS**

Not liable for Mayoral CIL.

**STAFF COMMENTS**

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Retail Fringe, impact on residential amenities and highways/parking.

**PRINCIPLE OF DEVELOPMENT**

Policy ROM11 indicates that retail and non-retail uses appropriate to a shopping area will be granted at ground floor level in the retail fringe.

Policy ROM11 seeks to ensure the right balance of retail and non-retail uses within Local Centres. In this instance, as the site is within a retail fringe, the proposal is not subject to numerical criteria which control the percentage of frontage in retail and non-retail. Instead the use should:

- \* Compliment the retail function of North Street
- \* Have an active frontage
- \* Be open for a significant number of core retailing hours and
- \* Not significantly harm the character, function and vitality and viability of the centre.

There are other units in the locality in different uses including a mini cab office at No. 90 North Street, therefore the principle of a sui generis use within the retail fringe is established.

The proposed therapeutic massage premises would provide services appropriate to this retail fringe of North Street and would be open during normal shopping hours and beyond, thereby contributing to the vibrancy and vitality of the locality. Any new shop front would be subject to a separate planning application.

The proposal is therefore acceptable in principle.

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

There are no external changes to the premises, so the proposal would not affect the streetscene.

**IMPACT ON AMENITY**

The application is made on the basis that the premises will offer a massage service only. The use of the premises is stated to be for the purposes of Thai and Swedish massage as well as reflexology and strain massage. There is no sexual element to the proposal.



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Staff note that the applicant owns another premises entitled Romford Thai Massage at 183 London Road, Romford, which operates as a massage parlour and was approved under planning application P0595.10. Romford Thai Massage specialises in Thai and Swedish massage as well as reflexology and strain massage. This massage parlour is licensed by Environmental Health and has been operating for three years. The applicant has advised that the premises at 88 North Street would be similar to those of 183 London Road.

Issues that are generally taken into consideration in determining the impact of the use as a massage parlour on amenity are the levels of activity associated with the use, the resultant levels of noise and disturbance and the potential implications in terms of operating hours. It is clear from case law that the morality of the use proposed is not a material planning consideration. Members should not therefore seek to determine the application based on moral judgements about the nature of the use.

The application site is surrounded on one side by commercial properties comprising of a retail unit and a mini cab office with residential properties located above. There are residential properties located to the rear and south east of the site.

The original opening hours were proposed to be 11:00am to midnight every day including Sundays and Bank Holidays. It was considered that a closing time of midnight would result in a loss of amenity to neighbouring properties including noise and disturbance caused by customers entering and leaving the premises particularly between the hours of 10pm-midnight. Therefore, following negotiations with the agent, the closing time has been reduced from midnight to 10pm Monday to Saturday (including Bank Holidays) and 8pm on Sundays.

Staff consider that a closing time of 8pm on Sundays and 10pm on Mondays to Saturdays (including Bank Holidays) would not result in a significant loss of amenity to neighbouring properties for the following reasons. The Council's Crime Prevention Design Advisor has no objection to the proposal including the opening hours. The site lies within a predominately retail area on the edge of Romford Town Centre, where a certain level of activity and associated noise is to be expected. In addition, North Street is a busy thoroughfare and the site is close to a busy roundabout with arguably higher ambient noise levels. Staff note that there is an adjoining mini cab office within the parade that is open late into the evening. It is considered that the reduction in late evening opening hours has brought the proposal within the realms of acceptability and would not impact adversely on neighbouring amenity.

It is considered reasonable to limit the number of treatment rooms within the premises, thereby providing some level of control over the number of people visiting the premises at any one time.

It is noted that planning application P0010.09 for a restaurant/takeaway (A3/A5 use) in 2009 was refused planning permission for the following reason. The proposal would, by reason of noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation and its location adjacent to a 24 hour mini cab service and existing A1/A3/A5 uses in North Street, would be unacceptably detrimental to the amenities of occupiers of nearby residential properties contrary to Policies DC23 and DC61 of the LDF Development Control Policies DPD. No details of opening hours were provided for P0010.09. Staff consider that this proposal is materially different in terms of its use and impact on neighbouring amenity. It is considered that therapeutic massage is a less intensive use, which would not result in high levels of noise, disturbance and traffic movements compared with a restaurant and takeaway, particularly given the reduced opening hours.



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**HIGHWAY/PARKING**

The Highway Authority has no objection to the proposals, due to the location of the site in Central Romford with nearby 'Pay & Display' car parks.

**KEY ISSUES/CONCLUSIONS**

The change of use is deemed to be acceptable in principle and would adhere to Policy ROM11. It is considered that the reduction in late evening opening hours has brought the proposal within the realms of acceptability and would not result in a significant loss of neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. It is recommended that planning permission is approved.

**RECOMMENDATION**

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

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

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

Reason:-

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

**2. SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 22:00 on Mondays to Saturdays (including Bank and Public Holidays) and 10:00 and 20:00 on Sundays unless otherwise agreed in writing by 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.

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

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans(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. Non Standard Condition 33**

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**4. Non Standard Condition 33**

The number of treatment rooms within the premises shall not exceed four.

Reason: To control customer numbers in the interests of amenity and to accord with Policy DC61 of the Local Development Framework Development Plan Document.

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**INFORMATIVES**

**1 Approval following revision**

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

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<b>APPLICATION NO:</b>	<b>P0641.13</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 21st June 2013 <b>Expiry Date:</b> 16th August 2013
<b>ADDRESS:</b>	Coopers Company & Coborn School St. Marys Lane Upminster	
<b>PROPOSAL:</b>	Provision of a new car park providing parking for 70 cars, a car drop off point, a coach drop off point and a dedicated pedestrian pupil access. A new vehicular exit onto St Mary's Lane will also be provided so that a one way system can be adopted for the new parking area. New landscaping will be provided and alteration to the school access road will be undertaken and new fencing will also be provided. No demolition is proposed.	
<b>DRAWING NO(S):</b>	KS1110137/01 Rev. A KS1110137/02 Rev A KS1110137/02 KS1110137/10	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site forms part of The Coopers Company & Coborn School which is located on the southern side of St Mary's Lane, Upminster. The site is located within the Metropolitan Green Belt and is also within the Cranham Conservation Area. The surrounding area towards the north and west consists mostly of residential dwellings, whilst the southern and eastern boundaries are defined by open fields. Access to the site is via an entrance from St Mary's Lane.

### **DESCRIPTION OF PROPOSAL**

It is proposed to construct a new car park area within the existing grassed area between the school access road and the small piece of land adjacent to the Royal British Legion building to the west of the school site. The parking would provide spaces for 70 vehicles with a drop off point for school/buses and pupils. Low level lighting will also be provided to ensure sufficient lighting levels for pupils and visitors to access their vehicles.

The proposed car park will be surrounded by grass and landscaped verges and the whole area will be enclosed by a security weld mesh fence.

### **RELEVANT HISTORY**

- P1358.12 - Provision of new boundary fencing to school site and fencing and access gates adjacent to school buildings  
Apprv with cons 01-02-2013
- P0496.12 - Provision of new car park providing parking for 70 cars, a car drop off point and a dedicated pedestrian pupil access. A new vehicular exit onto St Mary's Lane, new landscaping and alteration of the school access road.

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Refuse

18-06-2012

**CONSULTATIONS/REPRESENTATIONS**

A site notice was displayed and neighbour notification letters have been sent to 46 local addresses and 2 letters of objection were received. The objection letters raised the following concerns:

- new proposed access would be too close to zebra crossing
- proposed exit would only allow a limited amount of cars exiting resulting in a backlog
- loss of scrubbery
- additional noise generated in particular during the evenings
- light pollution from vehicle headlights in the evening
- telegraph pole close to proposed exit
- road is too narrow where the exit is proposed
- development would result in the erosion of the Green Belt
- visual impact on neighbouring properties

Highways did not raise an objection to the proposal, but may require the removal of a highway tree for the new access road. Highways are currently in discussion with the applicant over the proposals.

The Borough Crime Prevention Design Adviser has not objected to the proposal but raised concerns regarding the proposed lighting and has requested a lighting condition and informative in the event of an approval.

Environmental Health has not raised objections provided that a full air quality assessment and contamination conditions be attached in the event of an approval.

**RELEVANT POLICIES**

LDF

- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC68 - Conservation Areas
- SPD2 - Heritage SPD
- SPD3 - Landscaping SPD

OTHER

- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.8 - Heritage assets and archaeology
- NPPF - National Planning Policy Framework

**MAYORAL CIL IMPLICATIONS**

None

**STAFF COMMENTS**

The main issues to be considered by Staff in this case are the principle of development, its

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impact upon the Metropolitan Green Belt as well as the Cranham Conservation Area; design/street scene issues; amenity implications and parking and highways issues.

### **BACKGROUND**

It should be noted that a similar previous application for car parking was refused planning permission for the following reasons:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. Policy DC45 of the LDF and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt and no very special circumstances have been submitted in this case to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document, as well as the National Planning Policy Framework.

2. The proposed parking area, by reason of the extent of proposed hard surfacing, the loss of existing soft landscaping and the visual impact of the proposed boundary fencing, would result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt at this point, as well as harmful to the character of the Cranham Conservation Area. The proposal is therefore contrary to Policies DC45 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the provisions of the National Planning Policy Framework.

The current application differs from the previous submission in that the applicant has submitted a case for very special circumstances. The current proposal also limits the removal of vegetation and would maintain and enhance existing vegetation between the public footpath along St. Mary's Lane and the new car parking area.

### **PRINCIPLE OF DEVELOPMENT**

The National Planning Policy Framework states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposed development does not fall within the category of development which is allowed in the Green Belt and is therefore considered to be inappropriate development. Inappropriate development can only be justified where the in principle inappropriateness, together with any other harm, is clearly outweighed by very special circumstances. Prior to determining whether any such circumstances exist, an assessment of whether any other harm arises is given below.

### **GREEN BELT IMPLICATIONS**

Looking first at the visual impact of the proposal, the general setting of the site is relatively open with vegetation limiting views into the site from St Mary's Lane. The proposal differs from the previous refused application in that the current submission would not remove but retain and

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enhance the vegetation to the northern boundary at the back of the footpath along St. Mary's Lane. Although the proposal would still cause harm to the current openness of the site and the Green Belt, Staff consider the impact to be partly mitigated by the retention and enhancement of the vegetation along St. Mary's Lane. Members are invited to apply their judgement to this aspect of the scheme.

The new car park would also materially intensify the overall usage of the site and result in further urban sprawl within the Green Belt. This would replace the previous open green land and would be contrary to the aims of the NPPF.

The applicant has submitted details of very special circumstance in order to justify the potential harm to the Green Belt. An appraisal of those circumstances is given below.

### **CONSERVATION AREA**

The application site is located within the Cranham Conservation Area. The school is more associated with the urban edge to the north-west of the Conservation Area and there is substantial open land between the school and buildings which form the core of the Conservation Area, i.e. the Grade II listed All Saints Church and Cranham Hall. The proposal would develop an existing open field which is situated between the school and St. Mary's Lane thereby resulting in a significant impact to the open aspect of this part of the Conservation Area.

In contrast to the previous submission, this impact would be partly mitigated by the retention and enhancement of the existing vegetation along St. Mary's Lane. Landscaping is also proposed within the car park itself. A landscape condition is recommended to ensure that this additional landscaping is robust. Staff consider that this landscaping would help soften the appearance of the car parking.

Previous concerns were also raised regarding the proposed internal fencing. A condition would be imposed in the event of an approval to assess any proposed fencing prior to implementation in order to limit the potential impact on the Conservation Area. It should however be noted that similar fencing was previously approved and installed along the northern, eastern and southern boundaries of the school site. The proposed internal fencing should therefore be seen in context with this recently constructed boundary fence, which was considered acceptable in Conservation Area terms.

### **IMPACT ON AMENITY**

The application site is located in an area with a mixture of residential dwellings and open fields. The proposed development is well removed from residential areas and is therefore not considered to have a significant impact on residential amenity. Although there would be some light pollution from vehicle headlights in the evening, Staff do not consider this to be unacceptable given that the nearest property is situated approximately 13m away when measured from the centre of St. Mary's Lane. Also the amount of noise generated during the evening is not considered to result in an unacceptable impact on neighbouring amenity as the amount of vehicles expected during the evenings is significantly reduced.

### **HIGHWAY/PARKING**

The proposal would not generate additional vehicle movement but would also not encourage a reduction in vehicle movement to the site. In any event Highways have not raised an objection to the parking and access arrangements. Staff therefore do not consider the proposal to be unacceptable in terms of parking and impact on the Highway. Neighbours have raised

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comments regarding the zebra crossing and telegraph pole close to the new exist. The proposed layout plans shows that the zebra crossing and telegraph pole would not be affected by the proposal.

**OTHER ISSUES**

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

Given the scale and intense nature of the proposed parking layout, it is considered that the proposal would constitute inappropriate development in the Green Belt.

As set out above, in order to justify the proposal, very special circumstances are needed. The agent raised the following as very special circumstances to justify development on this school property within the Green Belt:

- The proposal would ensure children's safety by providing the means to separate the entrance and the exit of vehicles and pedestrians. Children coming into the school from Upminster would have their own entrance which would avoid vehicles and the car park and those arriving from Cranham would be able to remain on the eastern pavement, again without the need to mix with the traffic entering or exiting the school. This would address the schools primary concern of the children's safety but there would be a further benefit in terms of children safeguarding. The installation of a new entrance/exit system will enable the fencing of the school to be completed between the new car park and the built area which would then totally isolate the building area providing a completely safe site for the children. This particular aspect is a requirement of Ofsted as without such facilities a school could be placed in special measures.

- Further difficulties arises from the inability for coaches to enter the existing site which results in coach companies picking up or dropping off children on the main road. This results in safety concerns not just for the school children but also for other road users through the hazard a parked coach presents on St Mary's Lane, particularly during busy periods. The proposal would result in coaches being able to park within the school site.

- Safety concerns also arise from parents dropping off children in St. Mary's Lane on the opposite side of the road and also from sixth form student and visitors parking in nearby roads. The proposal would reduce the risk of drives being blocked resulting in a general inconvenience for houses near to the school.

The school has submitted a traffic and parking assessment as part of this application in order to provide evidence of the difficulties currently experienced and risk to the children travelling to and from the site. Staff consider the very special circumstances put forward and the evidence submitted to substantiate some of the points raised by the applicant to be sufficient.

The school has a very good existing travel plan which has contributed to a significant improvement in relation to parking on St. Mary's Lane when dropping off and picking up students. However concerns still remain regarding the safety of students and the need for vehicles and students to be separated. These concerns cannot be addressed by the travel plan alone hence the additional parking and dropping off facilities proposed.



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Staff consider the reasons given for very special circumstances to justify the unacceptable impact on the openness of the Green Belt.

**KEY ISSUES/CONCLUSIONS**

The proposal is considered to acceptable on balance in terms of its impact on the Green Belt and Cranham Conservation Area. Although the proposal is considered inappropriate development in the Green Belt, the applicant has submitted very special circumstances to overcome the harm by reason of inappropriateness and any other harm, as required by the guidance contained in the NPPF.

The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be acceptable having had regard to Policies CP14, DC45, DC61, and DC68 of the LDF, and all other material considerations.

**RECOMMENDATION**

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

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

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

Reason:-

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

**2. SC11 (Landscaping) (Pre Commencement Condition)**

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

Reason:-

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

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

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



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

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

Reason:-

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

**5. SC57 (Wheel washing) (Pre Commencement)**

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 on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

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.

**6. SC62 (Hours of construction)**

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

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

**7. SC63 (Construction Methodology) (Pre Commencement)**

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;

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**8. SC82 (External lighting) (Pre Commencement)**

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

Reason:

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

**9. Non Standard Condition 1 (Pre Commencement Condition)**

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.
  - 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 the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason:

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

**10. Non Standard Condition 2 (Pre Commencement Condition)**

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

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**11. Non Standard Condition 31**

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

Reason:

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

**12. Non Standard Condition 32**

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

Reason:

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

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**INFORMATIVES**

**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.

**3 Secure by Design Informative**

In aiming to satisfy condition 8 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

**4 Highways Informatives**

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

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

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

**5 Non Standard Informative 1**

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the 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 practise and submitted to the Local Planning Authority.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

12 September 2013

**Subject Heading:**

P0038.13 – 34 Maygreen Crescent,  
Hornchurch – Demolition of pram sheds,  
external alterations, external ramp and  
conversion of existing bedsit to create 1  
No. 2 bedroom flat for wheelchair use  
(received 5 February 2013)

**Report Author and contact details:**

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01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This report concerns an application for the conversion of the existing bedsit and pram store at 34 Maygreen Crescent into a two-bedroom flat with external alterations including external ramp. Staff consider that the proposal would accord with environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and it is therefore recommended that planning permission be granted subject to conditions.

This application is brought before the Committee because the site comprises Council owned land.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. *External materials* – Unless otherwise agreed in writing by the Local Planning Authority, external alterations to the building shall be carried out in materials to match those in the existing building.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

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.

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.

4. *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.

5. *Sound insulation* - The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne external noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

6. *Construction works/delivery times* - 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 Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

## **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.
2. Mayoral CIL

Given that the proposal is effectively the extension of an existing residential unit of less than 100 sq.m, the proposal is not liable for the Mayor of London Community Infrastructure Levy (CIL).

<b>REPORT DETAIL</b>
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### **1. Site Description**

- 1.1 The application site comprises a bedsit and pram stores at 34 Maygreen Crescent on the ground floor of an up to 5-storey flatted block. Maygreen Crescent is within Council ownership. To the front facing into the courtyard

is a grassed area and parking is provided in marked spaces on the opposite side of the roadway.

- 1.2 Apart from the flats at Maygreen Crescent, the area is mixed with commercial development including Tesco to the west and residential to the east and south with an open area to the north.

## 2. **Description of Proposal**

- 2.1 The proposal is for the conversion of the bed sit and adjoining pram store into a two-bedroom flat with external alterations to provide windows/doors and an external ramp with handrails for a wheelchair user. The proposed flat would have a gross internal floor area of 75 sq.m. There would be a ramp provided to the front onto the courtyard area.
- 2.2 The details submitted show that a new store building, with similar-sized individual storage spaces to the existing pram store, would be located within the courtyard area. For clarity this store building does not require planning permission as it meets the criteria for works undertaken by a statutory undertaker within permitted development allowances.

## 3. **History**

- 3.1 None relevant.

## 4. **Consultation/Representations**

- 4.1 44 neighbouring occupiers were notified of the proposal. Two objections (one signed by three other residents) have been received indicating that the pram store is currently in use and that alternative storage will need to be offered should the application be approved.
- 4.2 The London Fire and Emergency Planning Authority have written indicating that they are satisfied with the proposal.
- 4.3 The Metropolitan Police Crime Prevention Design Advisor (CPDA) has written advising that there are no crime prevention or public safety issues arising from the proposal.



## 5. **Relevant Policies**

### 5.1 LDF Core Strategy and Development Control Policies Development Plan Document

CP1 – Housing Supply  
CP2 – Sustainable Communities  
CP17 – Design  
DC2 – Housing Mix and Density  
DC3 – Housing Design and Layout  
DC4 – Conversions to residential and subdivision of residential uses  
DC6 – Affordable housing  
DC7 – Lifetime and Wheelchair housing  
DC11 – Non-designated sites  
DC33 – Car parking  
DC35 - Cycling  
DC61 – Urban design  
DC63 – Delivering safer places  
DC72 – Planning Obligations  
Supplementary Planning Document (SPD) for Residential Design  
Draft Planning Obligations Supplementary Planning Document

### 5.2 The London Plan

3.3 – Increasing housing supply  
3.4 – Optimising housing potential  
3.5 – Quality and design of housing developments  
3.8 – Housing choice  
6.13 – Parking  
7.13 – Safety, security and resilience to emergency  
7.4 – Local character  
8.3 – Planning obligations

### 5.3 National Planning Policy Framework

Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design

## 6. **Staff Comments:**

6.1 The issues in this case are the principle of development, density/site layout, impact in the streetscene, residential amenity, parking/highways, crime prevention/community safety and infrastructure.

### 6.2 *Principle of development*

6.2.1 The proposal is for the conversion of the pram store and adjoining bed-sit into a 2-bedroom flat for a wheelchair user. Staff consider that this would provide additional housing and that there is no objection in principle to the loss of the pram store which is no longer required or used. The conversion/extension would accord with both the need for more wheelchair

housing and the need to provide affordable units in accordance with Policies CP1, DC2, DC6 and DC7.

6.2.2 Staff consider that the proposed additional residential unit in this existing residential building would be acceptable in principle, subject to its impact being within acceptable limits.

### 6.3 *Density and site layout*

6.3.1 The existing flatted block is of a high density compared with surrounding development in the area. The proposal would add additional space to an existing unit which would not change the density of units on the site although it would increase the number of habitable rooms per hectare, but this in itself is not considered to be a justifiable reason for refusal if the proposal is considered acceptable in all other respects.

6.3.2 The proposal would provide a two-bed flat in an existing flatted block. In line with The London Plan Table 3.3 which indicates a minimum size for a 2-bed, 3 person being 61 sq.m, the proposed flat would exceed this at 75 sq.m. It is therefore considered that the accommodation would be of a suitable size for living in.

6.3.3 There is no specific private amenity space proposed to be provided for the proposed flat. Nonetheless, the block has communal amenity areas which would also be available to occupiers of the unit. The main outlook from the front of the proposed flat would be to the grassed area in the front courtyard (although it has been indicated that this area is to be the proposed location for the replacement storage shed). The outlook from the rear windows is onto a landscaped area in advance of the roadway. It is considered that the flat would receive adequate levels of light and would be of an acceptable quality.

### 6.4 *Design/Impact on Streetscene/rear garden environment*

6.4.1 The only external alterations would be removal of window openings, new window/door openings and the raised and ramped access to define the entrance route. All these would match existing materials. While the ramp would be to the front, this faces into an enclosed courtyard and Staff consider that there would be no adverse impact on visual amenity in the streetscene.

### 6.5 *Impact on Residential Amenity*

6.5.1 The nearest residential properties are those within the existing building. The extended flat would adjoin units within the existing block and suitable sound insulation would be required for the converted pram-store section secured through a suitable condition. New doors/windows would be to the ground floor such that no overlooking issues would arise. Staff therefore consider that there would be no adverse impact on existing residential amenity from the proposed flat.

6.5.2 Residents have raised the fact that they currently use some of the pram storage available. Whilst the proposed storage building falls within permitted development allowances and does not form part of the current application, this would replace the existing storage space.

## 6.6 *Highway/Parking*

6.6.1 No additional parking would be provided in relation to the effectively extended existing bedsit unit. While the general requirement in this area is for 1.5-2 parking spaces per unit, the proposal is for a two-bed flat and there is existing communal parking provided. There are no highways objections to this scheme.

## 6.7 *Crime Prevention/Community Safety*

6.7.1 Ground floor flatted units are more vulnerable to crime and anti-social behaviour. The Police CPDA has not raised any objections to the scheme and the proposed flat is considered acceptable in terms of crime prevention measures.

## 6.8 *Infrastructure Requirements*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document, a contribution is required where there is a net gain in residential units. In this case the proposal is effectively an extension to the existing bedsit and a contribution is not required.

## 6.9 *The Mayor's Community Infrastructure Levy*

6.9.1 The CIL Regulations require CIL to be paid where a new dwelling is formed by way of change of use (rather than conversion). The pram shed is partly in use, nonetheless the proposed unit forms an extension of an existing unit into an ancillary storage space and is for less than 100 sqm. It is not considered that a CIL payment is required in this case.

## 7. **Conclusions**

7.1 Staff consider that the proposal would be acceptable in principle and, would not have an adverse impact on visual or residential amenity, that it would be acceptable on other grounds and would be in accordance with policies contained in the LDF.

## IMPLICATIONS AND RISKS

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

8.1 None

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

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

### 10. **Human Resource Implications:**

10.1 None

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

11.1 The proposal would provide an enlarged wheelchair accessible affordable housing unit to the benefit of those unable to secure specialist accommodation at market rates.

## BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

**REGULATORY  
SERVICES  
COMMITTEE**

12 September 2013

**REPORT**

**Subject Heading:**

**P1510.12 Rear of 57 Brookdale Avenue,  
Upminster**

**Report Author and contact details:**

**Two detached houses on land to rear  
of 57 Brookdale Avenue with a shared  
access drive (Application received 6<sup>th</sup>  
February 2013. Revised Plans received  
14<sup>th</sup> June 2013 and 30<sup>th</sup> August 2013)**

**Helen Oakerbee, 01708 432800  
[helen.oakerbee@havering.gov.uk](mailto: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

This planning application has been called in by Councillor Ron Ower owing to the following concerns:

- Access Issues
- Size of the dwellings
- Impact on properties in Brookdale Avenue

The application is for the erection of two detached bungalows to the rear of 57 Brookdale Avenue. 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.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £3,026.32. This is based on the creation of 152m<sup>2</sup> of new gross internal floor space.

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

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

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

1. 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:

### **Awaiting amendments**

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 for 2 No. car parking spaces per dwelling and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason:-

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

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

and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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

6. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B and C, no extensions, roof extensions, roof alterations shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

7. 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.

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

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

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 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.

10. Secure 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.

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

Reason:

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

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

Reason:-

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

13. Wheel Washing 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 on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

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.

14. 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

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

Reason:

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

### **INFORMATIVES**

1. In aiming to satisfy condition 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 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. 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.

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 is triangular in shape with a narrow access from Brookdale Lane. The site is located to the rear of residential properties from 57-73 Brookdale Road and 65-75 Bridge Avenue. It should be noted that the applicants own the whole of the triangle-shaped area of land.
- 1.2 The site has been used for domestic animals and was until recently particularly overgrown with a number of mainly self-seeded trees which are not the subject of any protection. The site has an area of 0.164 hectares.
- 1.3 The application site currently comprises of a detached garage / store.

### 2. Description of Proposal

- 2.1 The proposal would involve the removal of the existing garage/ store and the erection of two adjoining houses on land to the rear of the frontage properties.
- 2.2 The proposed dwellings would be accessed via an existing shared 45m long driveway that is 4.5m wide dropping to 3.1m wide adjacent to the existing house.
- 2.3 The proposed house on Plot 2 (northern plot) would have three bedrooms and be a chalet bungalow with barn hipped roof with two dormer windows and a single dormer on the front and rear roof slopes, respectively. This property would be 8.3 deep and 9.7m wide.
- 2.4 The proposed house on Plot 1 (southern plot) would also have 3 bedrooms and be a chalet bungalow with half-hip roof with two dormer windows and a single dormer on the front and rear roof slopes, respectively. The building designed with two building lines at 9.63m wide and 10.36m deep would be set back from plot 2 by 2.3m.
- 2.5 The properties would be orientated to face north east. Two car parking spaces provisions are proposed to each property positioned to the north and east of properties 2 and 1, respectively.
- 2.6 Property no. 2 would have 221sqm of amenity space that wraps around the building at the northern west corner of the site.
- 2.7 Property no. 1 would have a rear amenity space of 302sqm that is located to the south of the site.

2.8 The proposal would result in the removal of trees from within the site.

### 3. Relevant History

3.1 P0705.12 – Change of use of part of the land forming part of the application site to residential use and retention of garage and hardstanding – Approved

3.2 P0675.10 - Demolition of garage at 57 Brookdale Avenue to provide access to land at the rear of the property and construction of a 3 bedroom and 2 bedroom house – Refused

#### Reasons for Refusal:

1. *The proposal would, by reason of the very close proximity of the proposed driveway to the flank wall of the host property, No.57 Brookdale Avenue and the flank wall and upper floor flank window of the adjoining property at No. 51 Brookdale Avenue, result in unacceptable levels of noise and disturbance to the existing and future occupiers of these frontage properties adversely affecting residential amenity, contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.*

2. *The proposed development, by reason of its proximity to the site boundaries, scale, bulk and orientation would appear visually intrusive and overbearing in the rear garden environment, to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.*

3. *The proposed development, by reason of its isolated siting to the rear of existing frontage development, would appear out of character with the prevailing form of development in the locality, to the detriment of the appearance of the streetscene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.*

4. *The proposed development would, due to the scale and orientation and close proximity of the properties to each other and the existing shared boundaries result in overlooking/loss of privacy and interlooking between the properties and be visually intrusive, which would have a serious and adverse effect on the living conditions of adjacent existing and future occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and SPG on Residential extensions and alterations and the Residential Design Supplementary Planning Document.*

3.3 P1786.10 - First floor and single storey rear extension - Refused

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

4.1 The application was publicised by the direct notification of adjoining properties. Twenty Nine letters of objection were received as summarised below:

- Loss of privacy and overlooking from dormer windows
- Loss of light
- Impact on side window of no. 51 and their living conditions
- Obstruction of views
- Noise and disturbance from vehicles
- Noise and disturbance from use
- Congestion
- Exhaust fumes
- Loss of trees and wildlife
- Out of keeping development
- Pedestrian safety
- Boundary disputes
- Limited access for emergency services
- Unacceptable access and parking provision
- Access would be delivery of materials not acceptable
- Over development
- Pedestrian and vehicle conflict
- Gates would cause congestion
- Loss of value to property
- Insufficient turning space to leave in a forward gear
- Unacceptable position of refuse provisions
- Maintenance and ownership of the shared drive

4.2 Ten letters of support was received as summarised as follows:

- Reuse of derelict land and prevent fly tippers
- Create jobs
- Need for small affordable family housing
- Proposal would not impact on the character of the area
- Proposal is proportionate to the size of the land
- Less noise and disturbance than the scouts

4.3 The Fire Brigade is satisfied with the proposal.

4.4 The Environment Protection Officer has no objection to the proposal.

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

4.6 Secure by Design officer raises no objection to the proposal. The attachment of a condition and an informative is requested.

## **5. Relevant Policies**

- 5.1 London Plan Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), and 8.2 (planning obligations).
- 5.2 Local Plan Policies: Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.
- 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.

### **6.1 Background**

- 6.1.1 Planning application P0675.10 for two houses was previously refused. The refused scheme is materially different to this proposal.
- 6.1.2 The differences are as follows:

- Replacement of two detached dwellings with a semi-detached pair
- Orientation of the properties to face north east instead of northeast (plot 2) and north (plot 1)
- Greater set back of the front building line from the turning head
- Greater separation of the buildings from the neighbouring boundaries
- Re-arrangement of the private amenity space of each property
- Increase in the level of private amenity space for both properties
- Removal of one central car parking area and creation of two separate areas: to the north of plot 2 and east of plot 1
- Reduction in the number of dormer windows
- Installation of only obscure glazed windows to the rear of the properties
- Removal of the rear gable end on the plot one property
- Installation of gates along the access way
- Installation of a fence adjacent to no. 51

## **6.2 Principle of Development**

- 6.2.1 Policy CP1 of the LDF seeks to ensure an adequate supply of housing within the Borough. More detail on the implementation of this policy and to ensure that new residential accommodation is suitable in all material respects is set out in the LDF development control policies.
- 6.2.2 The application follows planning application P0675.10 for the demolition of a garage at 57 Brookdale Avenue to provide access to land at the rear of the property and construction of a 3 bedroom and 2 bedroom house and planning application P0705.12 for the change of use of part of the application site to residential use and the retention of a garage and hardstanding.
- 6.2.3 The previous application P0675.10 confirmed that the development of residential property in this location was acceptable in principle. Planning application P0705.12 also confirmed that the change of use of part of the application site to an additional area of residential curtilage to no. 57 would be acceptable in principle.
- 6.2.4 Having considered all new material considerations, it is considered a residential use on this site in the form of two new dwellings on site would be acceptable in principle.

## **6.3 Density and Layout**

- 6.3.1 The recently adopted SPD on Residential Design follows the principles of good design. In respect of layout, the SPD indicates that most of Havering's streets are grid based, characterised by a framework of interconnected routes that define street blocks and that new development should respond to this traditional street pattern. The common arrangement is the perimeter block structure with the fronts of dwellings lining the street and private spaces such as gardens located at the rear of the dwellings. It further indicates that cul-de-sacs are generally to be discouraged.
- 6.3.2 The proposal has been re-designed to ensure that the proposed properties by joining together and orientated towards the vehicle access into the site create a point of destination and a single block structure instead of a less favourable cul-de-sac arrangement. The re-positioning of the buildings to the centre of the application site also allows for a greater separation distance from the boundaries. This ensures that the proposal is not cramped, a visually intrusive and overbearing development within a rear garden environment.
- 6.3.3 The proposed garden arrangement and their positioning to the rear and side of the properties would also ensure that any future occupants would have sufficient amenity space for their enjoyment and a degree of privacy.



## **6.4 Design / Impact on Streetscene**

- 6.4.1 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.
- 6.4.2 The previous application P0675.10 was refused as it was considered that the isolated siting to the rear of existing frontage development would appear out of character with the prevailing form of development in the locality, to the detriment of the appearance of the streetscene.
- 6.4.3 Further investigation and examination of the officer's report confirms that the primary concern was in fact the creation of a development which would be overbearing within the rear garden environment rather than one which would be harmful in streetscene, as suggested in the reason for refusal. Indeed, the officer's report stated that due to its rear garden location the development would not have a significant impact on visual amenity in the streetscene.
- 6.4.5 It is therefore considered that the outstanding issue to address is the impact of the development as a garden development on the surrounding rear gardens and neighbouring properties.
- 6.4.6 The proposed dwellings would be positioned more centrally within the application site with greater separation distances from the surrounding boundaries and of a more appropriate arrangement and orientation. The bungalows of a similar height to those previously assessed would remain in keeping with the scale and form of the bungalows within the surrounding area. In this respect, it is considered that the scale and design would not be out of character with existing building forms in the locality.
- 6.4.3 It is therefore considered that the proposed development by reason of its positioning, scale and design would not constitute an over bearing garden development or harm the residential appearance of the surrounding area.
- 6.4.5 The proposal also includes an access road to the side of the existing property. Streetcare have asked that there be a refuse collection point close to the highway end of the access drive. The access road would replace the existing vehicular access and the location of a bin collection point would be appropriately situated within the application site to not be visible from the streetscene. The proposed gates on the access road would be set back from the highway by over 24m and well away from the side elevations of the two adjacent properties. It is therefore considered that the proposed access road and gates would not have any significant adverse impact in the streetscene.
- 6.4.6 Subject to safeguarding conditions, it is therefore considered that the buildings by reason of their central positioning, design and limited scale and associated works address the previous reasons for refusal and safeguard and preserve the character and appearance of the surrounding area. The

proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF.

## **6.5 Impact on Amenity**

- 6.5.1 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.
- 6.5.2 The previous application P0675.10 was refused due to the fact that the buildings scale, orientation and their close proximity to the existing shared boundaries would have resulted in overlooking/loss of privacy within the scheme and a visually intrusive development, which would have had a serious and adverse effect on the living conditions of adjacent neighbours and future occupiers of the development.
- 6.5.3 The proposed dwellings have been redesigned into semi-detached chalet bungalows to allow for both properties to be orientated at the same angle and prevent any significant inter looking between the properties. The repositioning of the houses ensure that the building has a separation distance of 2.6m to 10m from the rear gardens to the west and 2.6m to 17m from the rear gardens to the east. The proposed dwellings would also be located at least 28m from the rear elevations of the nearest residential properties. All first floor dormer windows to the rear of the properties are to be obscure glazed. It is therefore considered that the proposal would not result in any loss of privacy, outlook or sunlight and daylight to any neighbouring habitable room window. The proposal would also not result in any more overlooking of neighbouring rear gardens than currently existing and typical of semi-detached properties.
- 6.5.4 The previous application P0675.10 for two dwellings was also refused due the very close proximity of the proposed driveway to the flank wall of the host property, No.57 Brookdale Avenue and the flank wall and upper floor flank window of the neighbouring property at No. 51 Brookdale Avenue, as it was considered that the relationship resulted in unacceptable levels of noise and disturbance to the existing and future occupiers of these frontage properties adversely affecting residential amenity.
- 6.5.5 A subsequent planning application P0705.12 for the 'Change of use of land to residential use and retention of garage and hardstanding' was approved on the 09-10-12. The application confirmed that the side access was built under permitted development rights and the use of the service road in a domestic capacity to serve no. 57 would not be so harmful as to refuse planning permission on the basis that there would be a significant impact on residential amenity.
- 6.5.6 The proposal consists of car parking spaces for up to four cars. Therefore, the level of traffic using the access would be materially greater than that considered under approved planning permission P0705.12. However, a 2m

high fence has been erected on the boundary adjacent to the side window of no. 51 since the previous refusal and the proposed gates to the development have been re-positioned set further back to ensure cars would not be stopping and starting adjacent to the neighbouring dwellings.

- 6.5.7 It is noted that the previous officer report for P0675.10 stated that there was no scope for any screening landscaping to be provided. However, the applicant has since installed a fence and confirmed that it is positioned on the land owned by the applicant. Neighbours have objected to the installation of the fence on the basis that it is situated on land under the ownership of no. 51. This is a civil matter and not a planning consideration. Regardless of land ownership, a fence has been installed and the gates have been appropriately repositioned.
- 6.5.8 The proposed impact on the occupants of no. 57 is also considered negligible as the existing brick wall would provide a reasonable level of acoustic screening.
- 6.5.9 It is therefore considered that the level of noise and disturbance resulting from two families accessing the site has been mitigated and therefore the proposal would not harm neighbours living conditions to a degree as to warrant a reason for a refusal
- 6.5.10 The proposal would also introduce a level of noise and disturbance at the rear of neighbouring gardens. Nevertheless, it is considered that the noise associated with two families or the parking and manoeuvring of their vehicles some distance from the adjoining occupiers would not have any significant impact on their residential amenity.
- 6.5.11 Subject to safeguarding conditions, it is considered that the building would not unduly impact upon the amenities of neighbouring properties. The proposal is therefore considered acceptable in accordance Policy DC61 and the intentions of the NPPF.

## **6.6 Highway/Parking**

- 6.6.1 Policy DC33 of the Development Control Policies Development Plan Document states that planning permission will only be granted if new developments provide car parking spaces to the standards provided in Annex 5 which are based on those provided in the London Plan. Annex 5 refers to the density matrix in policy DC2 for residential car parking standards.
- 6.6.2 The density matrix in policy DC2 outlines that the Council will generally seek at least two off street car parking spaces in this location. The proposed dwellings would each have provision for two car parking spaces, by way of hard standing to the front of the properties. This is in accordance with parking standards advised in policy DC2.

6.6.3 The existing vehicle access was deemed as acceptable under planning application P0705.12 and no alterations are proposed.

## **6.7 Mayoral CIL**

6.7.1 The proposal would result in the erection of 152sqm of new gross internal floor space. The proposal would therefore give rise to the requirement of a £3,026.32 Mayoral CIL payment.

## **6.8 Planning Obligations**

6.8.1 This planning application is subject to the Council's tariff under the Planning Obligations SPD. The proposal would give rise to a contribution of £12,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **7. Conclusion**

7.1 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 dwelling would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.

7.2 The application therefore complies with aims and objectives of policies of the LDF Core Strategy and Development Control Policies Development Plan Document, London Plan and the intentions of the National Planning Framework. Approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

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

None

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

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

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

None.

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

The Council's planning policies are implemented with regard to equality and diversity. The development provides two new houses designed to meet Lifetime Homes criteria.

**BACKGROUND PAPERS**

Application forms, plans and supporting statements received 12 December 2013 and revised plans received 2nd September 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

12 September 2013

**Subject Heading:**

Planning Contravention at  
Rear of 39 Collier Row Lane

**Report Author and contact details:**

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**Policy context:**

Local Development Framework

**Financial summary:**

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

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

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

**SUMMARY**

This report concerns an outbuilding that lies to the rear of No. 39 Collier Row Lane, a two storey property with a betting shop on the ground floor and a residential flat on the first floor. The outbuilding was constructed in July 2011 without planning permission and is unlawful. The outbuilding is being used as a mixed martial arts studio/gymnasium.

The use of the building for a mixed martial arts studio/gymnasium is causing noise and disturbance to nearby residential properties. The use is also generating parking problems in the locality.

It is considered that planning permission would not be granted to retain the outbuilding and the mixed use as martial arts studio/gymnasium. It is therefore requested that authority be given to issue and serve an Enforcement Notice in order to seek to remedy the breaches.

## RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

1. Cease the use of the single storey building shown crosshatched on the attached plan constructed within the rear garden of the land at 39 Collier Row Lane for mixed martial arts studio/gymnasium purposes.
2. Demolish the single storey building shown crosshatched on the attached plan within the rear garden of the land at 39 Collier Row Lane.
3. Remove from the land at 39 Collier Row Lane all rubble and waste materials, resulting from compliance with (2) above.

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

## REPORT DETAIL

1. **Site Description**
  - 1.1 No. 39 Collier Row Lane is a mid terraced property forming part of a terrace of ten properties, situated to the southern side of the road and all of which have a commercial/retail use at ground floor level with residential accommodation to the first floor.
  - 1.2 The properties immediately to the south, accessed from Hainault Road and Rosedale Road are in residential use.



- 1.3 The rear yard of No. 39 Collier Row Lane has a single storey outbuilding located at the bottom of the yard. The building is rectangular in shape and is the subject of this report.

## 2. **Relevant Planning and Enforcement History**

- 2.1 P0491.12 – Change of use of building to rear of No. 39 to a mixed martial arts studio. – application withdrawn by applicant

## 3. **The Alleged Planning Contravention**

- 3.1 In November 2011 the Council received complaints that a building within the rear garden of No. 39 Collier Row Lane is operating as a boxing club. It was alleged that the building was recently constructed and that the use was causing noise and disturbance to adjoining occupiers.

- 3.2 The owner was advised that planning permission is required to regularise the situation. The Council received a planning application for a change of use of the building to the rear of No. 39 to a Mixed Martial Arts studio. The application was subsequently withdrawn by the applicant. Despite attempts to resolve the situation, the use continues.

- 3.3 It is considered that there is a breach of planning control consisting of , without planning permission,

The use of a single story building in the rear yard of No. 30 Collier Row for a mixed martial arts studio/gymnasium.

## 4. **Policy and Other Material Considerations**

- 4.1 The use of the building for the purpose of a martial arts studio and gymnasium causes has the potential to cause noise and disturbance to nearby residential occupiers. The use also can also result in parking problems within the vicinity of the site.

- 4.2 Staff considers that the relevant planning policies are contained within the Havering Local Development Framework (LDF). These include policies DC33, DC55 and DC61 of the Core Strategy and Development Control Policies DPD.

## 5. **Recommendation for action**

- 5.1 The single storey building in the rear garden of No. 39 Collier Row Lane was constructed without any planning permission and consequently has a nil use and cannot lawfully be used for any specific purpose.

- 5.2 The building is rectangular in shape and covers a substantial part of the garden. It is located close to residential gardens and the only access to the building is via an access strip that runs to the rear of the commercial premises.
- 5.3 Staff considers that the size and design of the building is comparable to the block of garages that adjoins the site and that planning would likely be granted for the structure itself. Although the design and the appearance of the building is acceptable in principle, staff are concerned about the use of the building and the likely impact on residential amenity and parking pressures in the area.
- 5.4 Policy DC 61 states that planning permission will not be granted for proposals that result in unreasonable adverse effects on the environment by reason of noise impact and hours of operation. The Council has received a number of complaints about the hours of use, the level of activity associated with the use and the noise generated by this development.
- 5.5 Policy DC 55 states that planning permission will not be granted if it will result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. In the absence of any planning conditions there are no conditions to control the hours of operation, levels of noise generated or sound insulation to the building.
- 5.6 Policy DC 33 seeks to ensure that adequate car parking is provided. Highways objects to a mixed use martial arts studio/gym in this location based on existing parking pressures in the area. The site provides no off-street parking and it would appear that parking is taking place in the access road when customers visit the premises. This in turns results in noise and disturbance to nearby residential properties.
- 5.7 In summary, the alleged breaches of planning control have occurred within the last four years and the Council would be acting within the time limit for taking enforcement action, i.e. the developments are captured within the 4 year rule. Staff considers that the developments are contrary to policy DC33, DC55 & DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 5.8 Finally Staff consider that three months is sufficient time to complete the works necessary to comply with the requirements set out in the recommendation section of this report.

## **IMPLICATIONS AND RISKS**

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

Enforcement action may have financial implications for the Council.

**Legal implications and risks:**

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

**Human Resources implications and risks:**

No implications identified.

**Equalities implications and risks:**

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

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised.

**BACKGROUND PAPERS**

- 1. Aerial Photographs*
- 2. Relevant Planning History*

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