



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 3 October 2013	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

Conservative (6)	Residents' (2)	Labour (1)	Independent Residents' (1)	UKIP 1
Barry Oddy (Chairman) Barry Tebbutt (Vice-Chair) Rebecca Bennett Jeffrey Brace Roger Evans Steven Kelly	Linda Hawthorn Ron Ower	Paul McGeary	Mark Logan	Fred Osborne

**For information about the meeting please contact:
Richard Cursons 01708 432430
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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 30)

5 P0847.13 - WESTLANDS PLAYING FIELDS LONDON ROAD ROMFORD (Pages 31 - 58)

6 P1136.12 - 1A HILLVIEW AVENUE HORNCHURCH (Pages 59 - 74)

- 7 **P0010.12 - DAMYNS HALL AERODROME** (Pages 75 - 94)
- 8 **P0839.12 - SERVICE HOUSE 37 MANOR ROAD ROMFORD** (Pages 95 - 110)
- 9 **P0968.13 - THE CHAPEL HALL LANE UPMINSTER**
- 10 **P0640.13 - CORBETS TEY SCHOOL HARWOOD HALL LANE** (Pages 111 - 120)
- 11 **P0314.13 - DECATHLON CAR PARK ANGEL WAY ROMFORD** (Pages 121 - 130)
- 12 **PLANNING CONTRAVENTION - 3 AUSTRAL DRIVE** (Pages 131 - 136)
- 13 **PLANNING CONTRAVENTION - 38 HEATON AVENUE** (Pages 137 - 142)
- 14 **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

3 October 2013

Item 4

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6-9	P0738.13	Pettits	223 Pettits Lane North, Romford
10-16	P0870.13	Cranham	2A Deyncourt Gardens, Upminster
17-20	P0917.13	South Hornchurch	Unit 24, Beam Reach 8C, Ferry Lane, South Rainham
21-28	P0936.13	South Hornchurch	CEME, Marsh Way, Rainham, Essex

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APPLICATION NO:	P0258.13	
WARD :	Havering Park	Date Received: 5th March 2013 Expiry Date: 30th April 2013
ADDRESS:	Beverley Bungalow North Road Havering-Atte-Bower	
PROPOSAL:	Change of use from residential to Day Service Centre. Respite service for adults with learning disabilities and autism. Includes the use of existing Barn at the back of building as Activity Centre Comments received	
DRAWING NO(S):	2013/SK/BB/1 2013/SK/BB/2	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called in to the Regulatory Services Committee by Cllr. Sandra Binion with concerns raised regarding a business use in a residential area and the addition pressures on an already busy road with traffic issues.

BACKGROUND

The application was deferred from the Regulatory Committee meeting of 1 August 2013 to enable a check on the accuracy of the planning history and in particular whether a similar proposal was refused approximately 10 years ago.

Staff can confirm that there is no history of a change of use application at the property. A single storey rear extension was granted planning permission on the back of an Appeal in 1998 after it was refused under P1332.96.

Further concerns regarding the presence of bats in the outbuilding was also raised in a meeting between Staff and Cllr Sandra Binion. The Council's Ecology Adviser did a site visit and confirmed that there was no evidence of bats utilising the inside of the building as a roost. A thorough inspection of both the inside and out of the building was made but no evidence was found in the form of droppings or 'staining' which can indicate where bats may be entering and leaving a roost.

The report set out below is as reported to the 1 August committee meeting.

SITE DESCRIPTION

The application site is situated on a large plot of land to the east of North Road. The site is occupied by a large detached bungalow, large areas of hardstanding to the front and rear of the site and an outbuilding in the southeastern corner.

The property is situated in the Green Belt and Havering-Atte-Bower Conservation Area. There is currently two access point to the site off North Road, one in the northwestern and one in the southwestern corner.

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DESCRIPTION OF PROPOSAL

The application is for a change of use from residential to a Day Service Centre. The intended use is for the provision of a Day Service and Respite for adults with learning disability and autism. The application would include the use of the existing outbuilding at the back of building as an activity centre.

1. The Day Service

This service would be accessed on a daily basis where clients comes in and are supported to do table top activities such as puzzles and drawing. The clients will also be accessing external activities in the community, such as swimming, library and horse riding on a daily basis. The number of users of the main building would be 4 No. service users and 4 No. support staff.

2. Respite Service

Two bedrooms in the main building would be used as a Respite facility for client use. The respite would involve clients staying overnight as and when required only. It is envisaged that 2 No. client and 2 No. staff will stay overnight as part of this 24 hour service when required.

3. Barn Use

The proposed use of the barn would be similar to that of the Day Service activities. It is envisaged that 6 No. clients would access the Barn activity centre on a daily basis.

The applicant is proposing opening hours of 8am to 8pm, Monday to Sunday. The respite service would be a stay-overnight 24 hour service when required. Staff numbers proposed for the use would be 12 in total, including the manager. The applicant has also indicated that there would be a minimum of movement of vehicles to and from the site as staff and service users would be transported to and from the site by mini-buses.

RELEVANT HISTORY

P1764.00 - Gates and railings to front of property
Apprv with cons 16-02-2001

P1332.96 - Single storey extension at rear
Refuse 13-02-1997

P1034.95 - Single storey extension at rear
Refuse 26-01-1996

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 42 neighbouring occupiers and a site notice was displayed. Letters of objection were received from 7 neighbouring occupiers objecting on the following grounds:

- unacceptable increase in traffic movement
- unacceptable increase in noise
- commercial premises in a residential area

Further comments relates to additional building works. it should however be noted that the proposal would only involve the change of use of the existing buildings on site and not external additions are proposed.

The Highway Authority has stated that there are ample parking available on-site and sufficient space to accommodate drop off and pick up arrangements. The Highway Authority do not object

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to the proposal.

Social Services has stated that there is a need in the Borough to have specialist respite service for adult with learning disabilities and autism.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP8 - Community Facilities

DC1 - Loss of Housing

DC26 - Location of Community Facilities

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

DC68 - Conservation Areas

OTHER

LONDON PLAN - 3.17 - Health and social care facilities

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 as there is not increase in residential floor area.

STAFF COMMENTS

The issues to consider in this application would be the principle of development, parking provision, impact on amenity, conservation area and the Green Belt.

PRINCIPLE OF DEVELOPMENT

The proposal would not involve any external additions. The development would involve the re-use of the existing building and is therefore acceptable in Green Belt as stated in the NPPF.

Policy DC1 states that planning permission resulting in a nett loss of existing housing will only be granted on exceptional circumstances where it involves the provision of essential community facilities, for example health and education, which are necessary to meet the specific needs of the community.

The proposal would provide an essential service for adult with learning disabilities and autism. This has been identified as a growth area in the Borough and there is currently a lack of provision for autism in Havering. Staff therefore consider the change of use to be acceptable in principle and in line with current policy guidance.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would only involve the change of use of the existing premises. The proposal is not considered to result in an impact on the streetscene, rear garden environment, Green Belt and the surrounding Conservation Area.

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IMPACT ON AMENITY

Concerns have been raised by neighbouring occupiers that the proposed use would result in unacceptable noise and disturbance.

Staff do not consider the proposal to result in a harmful impact on neighbouring amenity. The existing bungalow is situated approximately 5.5m off the northern neighbouring boundary and 3.2m off the southern neighbouring boundary. The outbuilding is situated to the rear of the property and would abut an open field to the south and east and is situated approximately 26m from the northern neighbouring boundary. The clients attending would be limited to a maximum number of 12 and activities would be during the hours of 8am and 8pm. The additional noise and activity over and above that which could be generated on site currently is not considered to be harmful to such a degree as to recommend refusal. The applicant has indicated that a substantial part of the day would be taken up by external off-site activities such as swimming, library trips and horse riding. Most of the activities on site would take place within the existing bungalow and the outbuilding to the rear of the premises.

The applicant has indicated that clients and staff would be transported to and from the premises by mini-buses which would mitigate noise and disturbance by cars entering and leaving the premises.

HIGHWAY/PARKING

The site has a large hardstanding to the front and rear of the bungalow which can easily accommodate the amount of parking required for the intended use. There are two access points currently to the site with sufficient space for a pick up and drop off point should this be required. The applicant has however indicated that the amount of parking required would be limited as staff and clients would be transported to and from the premises by mini-busses.

No changes are proposed to the current access arrangements to North Road and Highways has not raised an objection to the parking provision or the access arrangements. Staff consider the proposed parking and access arrangement to be acceptable.

KEY ISSUES/CONCLUSIONS

The proposal would provide a much needed service within the Borough and therefore justifies the loss of a residential use. No external changes are proposed and no impact would therefore result to the streetscene, rear garden environment and the surrounding area. The proposal is not considered to have an impact on the openness of the Green Belt or result in harm to the Conservation Area. Although there would be some noise and disturbance as a result of the development, Staff consider this to be of a minor nature and sufficiently contained within the structures on site for the most part of the day. Existing access arrangements would remain and sufficient parking and drop off and pick up facilities are available on site. Staff consider the proposal to meet the aims and objectives of the Council's policy guidance and is therefore recommended for approval.

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.

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2. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be for a day centre and overnight respite care for adults with learning disabilities and autism only and shall be used for no other purpose(s) whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

3. SC22 (Hours of operation) ENTER DETAILS

Between the hours of 8am and 8pm on any day the maximum number of clients at the property shall not exceed 12. Between the hours of 8pm and 8am the following day the maximum number of clients at the property shall not exceed 2.

Reason:-

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

INFORMATIVES

1 Approval - No negotiation required

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

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APPLICATION NO:	P0738.13	
WARD :	Pettits	Date Received: 14th June 2013 Expiry Date: 9th August 2013
ADDRESS:	223 Pettits Lane North Romford	
PROPOSAL:	Change of Use from a launderette to a tanning salon Application Correspondence received 16.7.13	
DRAWING NO(S):	13207_001	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is located in Rise Park Parade on the western side of Pettits Lane North, Romford. 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 a Minor Local Centre. The application premise is currently vacant but has most recently been in use as a laundrette/dry cleaners.

DESCRIPTION OF PROPOSAL

This full planning application proposes the change of use of the premises from retail (use class A1) to a tanning salon (use class sui generis) .

Opening hours are proposed to be 09:00 to 21:00 Monday to Saturday and the tanning salon would be closed on Sundays, Bank and Public Holidays. The salon will have 3 full time staff members.

The application is accompanied by floor plans which indicate the provision of a reception and seating area, six sun bed rooms, a kitchen and W.C.

No physical alterations are proposed to the external fabric of the building, although some internal changes are illustrated on the submitted plans.

RELEVANT HISTORY

P0374.95 - Removal of flat roof - replacement with pitched, tiled roof
Apprv with cons 02-06-1995

P0310.95 - Change of use to Class A3, hot food takeaway/restaurant
Refuse 21-04-1995

CONSULTATIONS/REPRESENTATIONS

32 neighbouring occupiers were notified of the application. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. The deadline for responses to the notices has not yet expired and any representations will be verbally updated to members. If members resolve to

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grant planning permission, this would be delegated to the Head of Regulatory Services, subject to no new material considerations being raised in representations received after this meeting.

RELEVANT POLICIES

DC16, DC33 and DC61 of the Local Development Framework Development Plan Document

LDF

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC61 - Urban Design

OTHER

LONDON PLAN - 4.7 - Retail and town centre development

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

LONDON PLAN - 6.13 - Parking

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

Policy DC16 of the LDF Core Strategy and Development Control Policies DPD indicates that in Local Minor Centres, planning permission will be granted for A1 uses at ground floor level together with service uses A2, A3, A4 and A5. The policy further states that Exceptions may be made where the applicant can demonstrate, through twelve months marketing information, that the premises have proved difficult to dispose of for any such use.

The proposal is for a tanning salon, which would be in a class of its own or "Sui Generis".

It is considered however, that the proposed use would provide a service appropriate to a shopping area and could therefore be considered as appropriate development within a Minor Local Centre. The purpose of the retail frontage is to provide retail and service uses so that they do not have to be located in more sensitive area such as within residential areas. Although in this instance the proposed use would not be an "A-Use" per se, it would provide a service, create a footfall and generally contribute to the vitality of the centre.

Details have been submitted in relation to the layout of the unit which show that there would be a reception desk and seating area just inside the door way and close to the windows than the proposed sun bed rooms such that it is considered that an active frontage would be provided. In addition, the beauty salon would be open during normal shopping hours.

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

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It is acknowledged that the unit at 223 Petits Lane North is currently vacant. Although no marketing information has been submitted with the application, Staff consider that the proposal would contribute to the retail vitality and viability within the Minor Local Centre.

Overall, Rise Park Parade has a mix of uses with a sufficient supply of retail facilities. It is considered that the introduction of a tanning salon would not be detrimental to this commercial parade and as such is considered acceptable in principle. There is still scope for the parade to support Class A1-A5 uses in the future and Staff therefore consider approval of this change of use would not conflict with the overall aims and objectives of the Council's policy on core and fringe frontages in district and local centres.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal does not involve any external change to the property and therefore, would not affect the streetscene.

IMPACT ON AMENITY

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

The application site is within the Pettits Lane North Minor Local Centre and the area is characterised by commercial uses at ground floor level with residential accommodation on the first and second floors.

The proposal is for use which would provide a service within an existing established parade of shops. The proposed opening hours are not considered to be unacceptable such that although there are residential units above the shops, the level of noise and activity created by the proposed tanning salon use would not be likely to be greater than for other commercial uses.

Consequently, no material harm to amenity is considered to result and the proposal is compliant with Policy DC61 of the LDF Development Plan Document.

HIGHWAY/PARKING

The Highway Authority has no objection to the proposals as there is on street parking to the front of the site. There are no other highway issues to be addressed.

KEY ISSUES/CONCLUSIONS

The proposal is for a change of use to a tanning salon within a Minor Local Centre. It is recognised that tanning salons, while not falling within an A-Class Use, do provide a service which is compatible with a Minor Local Centre. Staff therefore consider that the proposal would be acceptable as an exception to retail policy DC16.

There are no other issues raised by the proposal. As a matter of judgement, it is considered that the proposal can be considered as an exception to Policy DC16 of the LDF Core Strategy and Development Control Policies DPD as the proposal would not have an adverse impact on retail vitality and viability of the Minor Local Centre.

RECOMMENDATION

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

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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 21:00 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

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.

INFORMATIVES

1 Approval - No negotiation required

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

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APPLICATION NO:	P0870.13	
WARD :	Cranham	Date Received: 15th July 2001 Expiry Date: 9th September 2013
ADDRESS:	2A Deyncourt Gardens Upminster	
PROPOSAL:	Demolition of existing dwellinghouse associated outbuildings and garage, and construction of 9 x self-contained flats with associated landscaping, boundary treatment, amenity space, parking and changes to vehicular crossovers creating 1 x new crossover. Amended plans received 5/9/2013	
DRAWING NO(S):	CA PL1 GA-04 PL1 GA-03 PL1 GA-02 PL1 EX-05 PL1 GA-05 PL1 GA-06 PL1 EX-03 PL1	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

The application is brought before Members as it was called in by Councillor Tebbutt owing to boundary and overlooking issues, and the relationship between the proposal and the church.

SITE DESCRIPTION

The site comprises a residential property and its curtilage, located on the southern side of Deyncourt Gardens. The site forms a rectangular area of land running in an east-west direction. The northern boundary adjoins the public highway; the eastern boundary abuts a private access road associated with a separate property; the southern boundary lies adjacent to Upminster Methodist Church; whilst the western boundary adjoins the curtilage of No.14, which is split into four flats. The area is characterised by a mixture of residential development, including houses and, fronting onto Hall Lane, at the western end of Deyncourt Gardens, flatted development.

The site is located in the Hall Lane Special Policy Area.

DESCRIPTION OF PROPOSAL

This planning application proposes the demolition of the existing dwelling and the erection of a new building containing nine 2-bed flats. The building would include openings in all of its elevations, although all of the west-facing windows above first floor level would be set at a height of 1.7m. Each of the upper floor flats would include a balcony, whilst the ground floor units would include private amenity spaces. The site would include a communal garden area between the proposed building, located towards the western end of the site, and the car park, located at the eastern end of the site. The car park would include nine parking spaces. The proposal would include bin storage, located at the western end of the site, and bicycle storage located at the

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eastern end of the site.

The proposed building would rise upto approximately 12m in height from ground level and would include hipped roofs and gable-featured bay extensions to the northern extension facing the public highway. The proposed block would be approximately 22m in length running alongside the highway, and upto around 13m in width. Balconies would be included in the northern and eastern elevations.

RELEVANT HISTORY

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

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 75 local addresses. 12 letters of objection have been received, raising the following objections:

- The proposal would be visually intrusive in the street scene;
- The proposal would exacerbate traffic congestion in the local area;
- The proposal would be harmful to the character of the area;
- The proposal would result in an over development of the site;
- The proposal would be detrimental to highway safety;
- The proposal would not include visitor parking;
- The proposed would be too close to the site boundaries and would be over dominant;
- There will be a loss of light and privacy to the church;
- There would be a loss of amenity to the occupiers of Abington Court and 1A Deyncourt Gardens;
- There would be a lack of adequate amenity space and the proposal would be a cramped development.

Comments have also been received from the following:

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

Environmental Health (Noise) - No objections; conditions recommended.

Environmental Health (Contaminated Land) - No objections; condition recommended.

Highway Authority - No objections; conditions and informatives recommended.

London Fire Brigade - No objections.

RELEVANT POLICIES

Policies CP1, CP17, DC2, DC32, DC33, DC34, DC36, DC40, DC49, 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"), Hall Lane Special Policy Area SPD, Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Planning Obligations SPD are also material considerations in this case.

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The London Plan (2011).

National Planning Policy Framework ("the NPPF").

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works (371sqm) are taken into account is approximately 429sqm, which equates to a Mayoral CIL payment of £8,580. This sum is subject to indexation.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

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

DENSITY/SITE LAYOUT

Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity or "prejudice the satisfactory development of adjoining land". The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.

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

The proposed development would have a density of approximately 110 dwellings per hectare. This is considered to be in accordance with the standard for this location set out in Policy DC2. However, the proposed site density is not, in itself, considered to constitute a sufficient reason to consider a scheme to be acceptable. The assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular, along with the siting of the proposed building in relation to its surroundings.

In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed development would provide small, private gardens for the ground floor flats, along with balconies for the upper storey apartments. The proposal would also include communal amenity space at ground level. On

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balance, it is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.

It is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatment to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area. It is considered that the submitted details should address the issue of demarcating the private amenity spaces of the two ground floor flats at the eastern end of the site.

It is considered that the proposed bin store would, owing to its nature and location, have a significant adverse impact on the ground floor flat at the western end of the building. The proposed bin store would be located within 1m of the private amenity space associated with this unit, and the potential for noise and odour nuisance would result in a poor standard of residential accommodation. However, this issue could be resolved through the use of a condition requiring the submission and approval of details relating to refuse and recycling storage.

In terms of how the proposed building would relate to its surroundings, it is considered that the long, narrow shape of the site makes it difficult to acceptably accommodate a building of the proposed size within it. The proposed building would be located approximately 1m from the boundary with the highway, with resultant impacts on the character of the area. This matter will be discussed further in the following section of the report. The proposal would also be located approximately 1m from the southern boundary, which is shared with Upminster Methodist Church. The proposal would directly overlook and borrow light from this site, and as such, would sterilise its potential redevelopment in future. Good planning would ensure that the proposal would be set back further from the site boundary to enable an acceptable standard of development to occur on the neighbouring land in future. As such, the proposal is considered to be contrary to Policy DC61 of the LDF.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development. The site is located in Zone A of the Hall Lane Special Policy Area, which states that, for flatted development, the development must include an outdoor amenity area equivalent to at least the total floorspace of the flats. This requirement is intended to ensure adequate space is provided around buildings to contribute to the more open character of residential development in the area.

The application proposes a three storey building, employing a pitched roofed form and the use of brick and render to the walls, and roof tiles for the exterior construction materials. The external appearance of the proposed building is considered to be sufficiently in keeping with the surrounding development to be acceptable.

The site is located in a broadly residential area comprising a range of house types, including traditional, two storey, pitched roof dwellings, along with larger scale flatted development (Abington Court) located at the western end of Deyncourt Gardens and fronting onto Hall Lane. This flatted development is set back from the highway by at least 9m behind open grass, and follows the street line established by the houses located further to the east. On the southern side of Deyncourt Gardens the street line is set, at the western end, by 14 Hall Lane, which is set approximately 3m back from the highway, with the subsequent properties to the east being set back further. The proposal would be located within 1m of the highway, and given its overall

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scale, bulk, and massing, it is considered that its siting would be harmful to the character of the local area, which is otherwise characterised by generous setback distances from the highway. This is underlined by the fact that the proposed provision of amenity open space at ground floor level would fall short of the requirements contained in the Hall Lane Special Policy Area SPD.

Given the nature of the proposal, including its siting and scale, and the amount of ground floor amenity space to be provided, it is considered that the proposal would be harmful to the character of the area, and therefore contrary to Policy DC61 of the LDF and Hall Lane Special Policy Area SPD.

IMPACT ON AMENITY

Neighbouring occupiers have objected to the proposal on the grounds that it would significantly diminish the amenities of neighbouring occupiers, in terms of overlooking, loss of outlook, overshadowing, and the generation of noise.

The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

The proposed building would be located approximately 23m from Abington Court and 1A Deyncourt Gardens; 28m from No.2 Deyncourt Gardens; 4m from the neighbouring church building, and around 1m from the shared boundary; and 16m from the flats at No.14 Hall Lane, and around 1m from the boundary shared with that property. It is considered that the proposal would not result in any significant adverse impacts on those properties located to the north and east. The proposal would be located in very close proximity to the rear curtilage of No.14 Hall Lane, however, all of the windows facing that property would be located at high level, preventing any significant overlooking. There are currently tall evergreen trees located along the boundary between these two properties, on the side of the site under consideration. The occupiers of No.14 Hall Lane therefore currently benefit from an outlook softened by greenery. However, it is considered likely that these trees could be removed in future given that they would be in very close proximity to openings in the proposed flats. The proposal could therefore result in a more harsh and overbearing outlook for the occupiers of No.14 Hall Lane. Officers consider that, given the separation distances involved, it is unlikely that the proposal would result in any significant loss of outlook from this property. However, Members may wish to apply their judgement to this aspect of the scheme and consider this as a potential reason for refusal.

The proposal would result in overlooking to the church site, however, this is not considered to be a sufficiently sensitive land use for the degree of overlooking involved to be detrimental given that site's existing use. It is considered that the loss of outlook and overshadowing involved would also be acceptable given the existing church use. However, as discussed earlier in this report, it is considered that the future redevelopment of the neighbouring site for residential or other purposes would be significantly undermined as a result of these windows.

Officers consider that in terms of impacts on the amenities of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

HIGHWAY/PARKING

The application proposes the creation of a new site access on land currently occupied by an existing dwelling. Neighbouring occupiers have objected to the proposal stating that it would result in an increase in traffic congestion and parking problems in the local area.

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The application proposes 9 car parking spaces. The proposed car parking provision would therefore equate to 1 space per dwelling. Cycle storage would also be provided.

The site is located within walking distance of Upminster railway and is considered to be well connected to public transport. The proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.

Should planning permission be granted, it is also recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles, plant, and materials will be parked. A condition is also recommended requiring the submission of more specific details relating to cycle storage.

Subject to the use of the afore mentioned conditions, the proposal is considered to be acceptable in respect of parking and highway safety issues and in accordance with Policies DC32, DC33 and DC34 of the LDF.

OTHER ISSUES

The Council's Environmental Health officers have requested the use of a condition relating to contaminated land; it is recommended that this be imposed should planning be granted.

The Designing Out Crime Officer has raised no objections to the proposal, but requested the use of a condition should planning consent be given.

SECTION 106

This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £48,000 towards infrastructure costs, which is based on the creation of nine dwellings, less the existing property, which would be demolished. In the absence of a Section 106 agreement to secure the required contribution, the proposal is considered to be contrary to Policy DC72 of the LDF.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be unacceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposal would provide an insufficient amount of ground floor amenity space to meet the requirements, relating to flatted development, contained in the Hall Lane Special Policy Area SPD, and would therefore result in a cramped development. It is considered that the cramped nature of the proposal and its proximity to the public highway would be harmful to the street scene and the spacious character of the area.

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The proposal is therefore contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance contained in the Hall Lane Special Policy Area SPD.

2. Refusal non standard condition

The proximity of the proposal to the southern boundary, and the extent of overlooking, loss of light, and loss of outlook in relation to a neighbouring site, are such that the proposal would prejudice the adequate potential future development of neighbouring land. The proposal is therefore contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

3. Refusal non standard condition

In the absence of a legal agreement to secure infrastructure contributions in accordance with the Planning Obligations SPD, the proposal is considered to be contrary to Policy DC72 of the Core Strategy and Development Control Policies DPD and the Planning Obligations SPD.

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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APPLICATION NO:	P0917.13	
WARD :	South Hornchurch	Date Received: 24th July 2013 Expiry Date: 23rd October 2013
ADDRESS:	Unit 24 Beam Reach 8C Ferry Lane South Rainham	
PROPOSAL:	Reserved matters application for the erection of a new storage building (re outline application P1901.11) Additional Information Received 12.08.13	
DRAWING NO(S):	1308(PL)09 Revision P2 1308(PL)10 Revision P2 1308(PL)15 Revision P1 1308(PL)16 Revision P2 1308(PL)17 Revision P2 1308(EX)01 Revision P1 1308(EX)10 Revision PR1 1308(PL)01 Revision P2 1308(PL)02 Revision P2 1308(PL)03 Revision P1 1308(PL)04 Revision P1 1308(PL)05 Revision P1 1308(PL)06 Revision P1 1308(PL)07 Revision P1 1308(PL)08 Revision P1	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is a 1.36ha area of land located on the eastern side of Ferry Lane, within the Beam Reach industrial park. The site is one of the few remaining undeveloped plots in an industrial park previously benefiting from outline planning consent (P1901.11). The site is bounded to the north and south by existing industrial and warehouse premises; to the east by vacant land; and to the west by the public highway. The site is designated in the LDF as a Strategic Industrial Location.

DESCRIPTION OF PROPOSAL

This reserved matters planning application proposes the erection of a storage building (B8) to be used as a refrigerated cold store. The proposal would measure approximately 2115sqm in area, and would have a maximum height of approximately 14m. The building would include a number of roller shutter vehicle loading doors and windows in the southern elevation, and pedestrian access doors in all four elevations. An external spiral staircase would provide emergency access to/from the first floor in the western elevation. The building would be clad in similar steel material to the existing, neighbouring buildings. 24 car parking spaces, 6 van parking spaces, and bicycle storage would be located towards the eastern end of the site. Two lots of external plant enclosure, bin storage, a smoking shelter, and a sub station would be located at the western end of the site. The site would be enclosed by 3m high fencing. The building would provide space

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internally for freezer storage, loading areas, a reception, offices, and staff facilities. The proposal would operate on a 24/7 basis.

The application seeks approval for the proposed access, appearance, landscaping, and layout.

RELEVANT HISTORY

P2078.03 - Outline application for a business park for B1b, B1c, B2 and B8 uses - Approved.

U0006.11 - Variation of the conditions precedent in outline planning permission P2078.03 to enable the discharge of conditions separately on a phased basis in relation to each reserved matter approval - Approved.

U0008.09 - Removal of condition number 21 to planning permission U0011.06 dated 19th January 2009 - Removed.

P1901.11 - Extension of Time Limit of Application U0011.06-Variation of the conditions precedent in outline planning permission P2078.03 to enable the discharge of conditions separately on a phased basis in relation to each reserved matter approval - Approved.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised by means of a site notice. Notification letters have been sent to 6 neighbouring occupiers. No representations have been received.

The following were also consulted:

Highways - No objections.

Environmental Health - No objections; conditions recommended in relation to land contamination.

Environment Agency - No objections.

Designing Out Crime Officer - No objections.

RELEVANT POLICIES

Policies DC9, DC32, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ("the LDF").

The National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The reserved matters application under consideration follows the approval of an outline application, which extended an outline permission granted prior to October 2009. A contribution under the Mayoral CIL regulations is not therefore required.

STAFF COMMENTS

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

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PRINCIPLE OF DEVELOPMENT

Outline planning permission has previously been granted for the development of the site for B1, B2, and B8 purposes. Whilst a limitation on the amount of B8 development was originally imposed by condition, a subsequent planning permission (U0008.09) removed this limitation, and this has been extended by planning permission P1901.11, granted in September 2013. The application under consideration seeks reserved matters approval, and the development is 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 proposed development would be located within an existing industrial area. The building, in terms of its overall appearance and layout would be in keeping with its surroundings. It is recommended that a condition be imposed requiring the approval of details in relation to cladding materials. No soft landscaping would be proposed, however, this would be in keeping with other, similar developments in the area, and the provision of green spaces have been made within the wider area alongside the River Thames.

It is considered that the proposal, in terms of its visual impact, would be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy DC55 relates to noise in relation to sensitive receptors, such as residential property.

Given its location, siting, scale, and design, the proposal would not result in any loss of amenity to sensitive land uses, or any of the surrounding properties. In terms of amenity impact, the proposal is considered to be in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that new development that would have an adverse impact on the functioning of the road hierarchy will not be allowed.

The Council's Highway officers have raised no objections to the proposal. In terms of its highway impact, the proposal is considered to be acceptable.

OTHER ISSUES

The Council's Environmental Health officers have requested the use of a condition in relation to contaminated land. Given that these matters were dealt with at the outline stage, these conditions are not considered to be necessary.

The Council's Designing Out Crime Officer has raised no objections to the proposal.

FLOOD RISK

The site is located in Flood Zone 3 and the application is accompanied by a Flood Risk addendum report following the details approved as part of the outline planning permission. The Environment Agency has raised no objections to the proposal but stated that the proposal should be subject to the Sequential Test as set out in the NPPF. However, officers consider this to be unnecessary given that the principle of development is already established.

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KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC9, DC32 and DC61 of the LDF and all other considerations.

RECOMMENDATION

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

1. **SC03 (Time limit for commencement) 2yrs**

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason:-

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

2. **SC09 (Materials) (Pre Commencement Condition)**

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

Reason:-

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

INFORMATIVES

1 **Approval - No negotiation required**

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

2 **Non Standard Informative 1**

INFORMATIVE

The applicant is reminded that the approved development will also be subject to the conditions imposed on the outline planning permission that this reserved matters approval relates to.

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APPLICATION NO:	P0936.13	
WARD :	South Hornchurch	Date Received: 17th July 2013 Expiry Date: 16th October 2013
ADDRESS:	CEME Marsh Way Rainham Essex	
PROPOSAL:	Creation of new three storey education facility and remodelling of existing CEME building with associated landscaping works. Email & attached drawings received 17.09.13	
DRAWING NO(S):	TP-016 Rev B TP-017 Rev B 4280 SERV SKP01 TP-001 Rev A TP-002 Rev A TP-010 Rev A TP-011 Rev A TP-012 Rev A TP-013 Rev A TP-014 Rev A TP-015 Rev A 3D Views	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site comprises land at the western end of the CEME site, including part of the western end of the CEME centre, vehicle parking, and landscaped areas. The site's northern and western boundaries adjoin highway land: the A13 and Marsh Way respectively. The southern boundaries adjoin landscaped areas associated with CEME's internal access road, and land associated with the public highway at Marsh Way. The eastern boundaries adjoin the remainder of the CEME site, including the rest of the CEME centre building, vehicle parking, and landscaped areas. The site's existing use is considered to be D1 (education.)

The site is designated in the LDF as a Strategic Industrial Location.

DESCRIPTION OF PROPOSAL

This planning application proposes the separation of the site area from the existing CEME centre and the creation of an education facility specialising in engineering and other technical skills. The facility would cater for 50 staff and 600 pupils in the 14-19 years age group. The proposal would include the erection of an extension to the western end of the CEME building, which would have a footprint of approximately 1089sqm, and a height to its flat roof of approximately 12m, rising to around 15m in relation to stairwell block. The proposal would be approximately 1.5m taller than the CEME building, which it extends from.

The proposed education facility would be contained within the western end of the existing CEME building, previously used by Havering Council for training, and the proposed extension. The

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proposed extension would include classrooms and a sports hall. The site would include 96 parking spaces for use by staff and students, along with a drop-off and pick-up facility.

RELEVANT HISTORY

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

CONSULTATIONS/REPRESENTATIONS

The site was advertised as a departure from the Development Plan. Notification letters have been sent to 29 neighbouring occupiers. No representations have been received.

The following were also consulted:

Environment Agency - Objection received; update to be given at Regulatory Services Committee.

Thames Water - No objections.

Highways - No objections; condition recommended.

Environmental Health - No objections; conditions recommended.

Crime Prevention Design Advisor - No objections; condition recommended.

London Fire Brigade - No comments received; update to be given at Regulatory Services Committee.

RELEVANT POLICIES

Policies DC9, DC32, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ("the LDF").

London Plan (2011)

Policy 3.18 (Education Facilities)

MAYORAL CIL IMPLICATIONS

The proposal is for an educational facility / school and does give rise to a contribution under the Mayoral CIL charging schedule.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

Policy DC9 of the LDF states that within the Rainham Employment Area, planning permission will only be granted for B1, B2, and B8 uses. However, the site under consideration is already in D1 use and the proposed development would therefore result in the extension of an existing educational facility.

Policy 3.18 of the London Plan states that development proposals which enhance education and

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skills provision will be supported, including new build and expansion.

The proposal is 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 include a significant extension to the existing CEME centre, which is considered to be a building exhibiting a unique and high standard of design. The proposed extension would have a block form, extending in a perpendicular fashion from the western end of the existing building. The applicants were advised by officers that, ideally, the proposed extension would continue the form of the existing building. However, for reasons of practicality and cost, the applicants have been unable to achieve this.

The proposed extension is functional in form and reflects the fact that it would include an internal sports hall. The extension is being funded by the government and is subject to strict costs criteria, which has also limited the ability of the applicants to match the form, scale, and materials of the existing building, and also overcoming topographical factors that prevent the existing building being extended directly to the west.

The applicants were advised that the original submission, which had a monolithic form, was considered to be unacceptable. Amendments have been made in an attempt to "break up" the main elevations, including the insertion of openings and translucent cladding material. The proposal would also include setting the curtilage of the proposed college aside from the existing CEME centre, through the use of fencing. It is considered important to ensure that appropriate boundary treatment is employed that would not be detrimental to the visual amenities of the existing site. It is recommended that conditions be imposed requiring the approval of details relating to the proposed cladding materials, refuse and recycling storage, bicycle storage, and landscaping.

Given its siting, scale and design, it is considered that the proposal would not be detrimental to the character of the surrounding area, which is industrial in nature. The proposal, in terms of its overall appearance and design, would not be ideal in relation to the existing CEME centre, however, it is not considered to be sufficiently harmful to be unacceptable. Moreover, the acceptability of the proposal's design needs to be weighed against Policy 3.18 of the London Plan, which encourages the provision new educational facilities.

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

IMPACT ON AMENITY

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

The site is located within a broadly industrial area; no sensitive land uses are in close proximity. Given its siting, scale and design, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers and that the proposal would be in accordance with Policy DC61 of the LDF.

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HIGHWAY/PARKING

Policy DC32 of the LDF states that new development that would have an adverse impact on the functioning of the road hierarchy will not be allowed.

The proposal would include 96 parking spaces for staff and students, along with a drop-off and pick-up area. Annex 5 of the LDF states that for further education colleges, 1 space per 2 members of staff, plus 1 space per 15 students should be provided. For secondary schools, the requirement is that 1 space per member of staff be provided. The proposed provision exceeds both standards. The Council's Highway officers have raised no objections to the proposal, agreeing with the submitted transport assessment that, given the age of the students, it is likely that sustainable forms of transport would generally be used. In terms of its highway impact, the proposal is considered to be acceptable, subject to a condition requiring the implementation of monitoring of the submitted travel plan.

OTHER ISSUES

Conditions have been recommended by Environmental Health officers relating to contaminated land; these should be imposed should planning permission be granted.

The Council's Designing out Crime Officer was consulted about the proposal has raised no objections subject to the use of a condition, which can be imposed should planning permission be granted.

The Environment Agency has considered the submitted Flood Risk Assessment and recommended that further information be submitted in relation to drainage. Additional information has been requested from the applicants and Members will be given an update at the Regulatory Services Committee.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be acceptable having had regard to Policies DC9, DC32 and DC61 of the LDF. It is recommended that, subject to any potential adverse comments being addressed, that authority be delegated to the Head of Regulatory Services to grant planning permissions, subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC09 (Materials) (Pre Commencement Condition)

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

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3. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

4. SC13B (Boundary treatment) (Pre Commencement)

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

Reason:

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

5. 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.

6. SC58 (Refuse and recycling)

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

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity

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7. SC59 (Cycle Storage)

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

Reason:-

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

8. Non Standard Condition 31

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

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

9. Non Standard Condition 32

Prior to the commencement of development pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) An additional site investigation report as the Phase II Ground Investigation and Geo-environmental Report submitted with the Planning application identified the need for further investigation . This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Remediation Strategy) Report if the site investigation confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in(b) above,

a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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10. Non Standard Condition 33

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

11. Non Standard Condition 34

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

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

12. Non Standard Condition 36

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs).

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. Non Standard Condition 37

The use hereby approved shall be undertaken in accordance with the measures and actions detailed in the submitted travel plan, which shall be implemented as the development is brought into use and retained for the life of the development. The travel plan shall be monitored and reviewed on an annual basis to ensure the objectives of the plan are being achieved.

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

REGULATORY SERVICES COMMITTEE

3rd October 2013

INFORMATIVES

1 Approval following revision

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

2 Fee Informative

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

3 Highways Informatives

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

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

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

In aiming to satisfy condition 12 the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officers (DOCOs). Their services are available free of charge by contacting them on 0208 217 3813 or via DOCOMailbox.NE@met.police.uk . It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:

**P847.13 – Westland Playing Fields,
London Road, Romford**

New football ground with related facilities including pavilion incorporating changing rooms, shower facilities and bar area. New terracing stand and toilet block, 8 No. floodlight masts, perimeter fencing and car parking area (Application received 31st July 2013)

Report Author and contact details:

**Helen Oakerbee (Planning Manager,
Regulatory Services) 01708 432800**

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This report concerns an application by Romford Football Club for the development of a football ground and related facilities on land owned by the Council at Westlands Playing Fields.

This application was granted planning permission on 5th August 2010 subject to conditions. This proposal seeks consent for an extension of time to the original planning application P0845.09. Staff consider the application to be acceptable and recommend its approval subject to conditions.

RECOMMENDATIONS

This application seeks to vary condition 1 of planning permission P0845.09 under Section 73 of the Town and Country Planning Act 1990. It is recommended that planning permission be granted subject to the following conditions:

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

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

2. Parking provision - The 23 parking spaces within the ground and the overspill parking areas, as shown on the revised location plan received on 25 September 2009, shall be permanently made available for use by the football club and supporters during home matches, 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.

3. 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.

4. 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. Further details of new landscaping to the existing as well as proposed car park areas shall be submitted and shall include details of improved landscaping to the existing north eastern most car park. 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.

5. Ancillary use – The lounge/function space, kitchen and bar areas within the pavilion building hereby approved shall be used solely for purposes incidental and ancillary to the primary use of the building as a sports clubhouse (Class D2) and shall not become a separate use at any time.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

6. Ancillary use - The detached café/kiosk building hereby approved shall be used solely for purposes incidental and ancillary to the primary use of the site for sports and leisure (Class D2) and shall not become a separate use at any time.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

7. Ancillary W.C facility - The visitor w.c. facility hereby approved shall only be used ancillary to the main use of the building for sports purposes and not as a separate use for the general public.

Reason: In the interest of amenity.

8. Perimeter fencing - Prior to the commencement of the development, full details of the perimeter fencing and hedging screening shall be submitted to and approved in writing by the Local Planning Authority. The fencing and hedging as agreed shall be installed prior to the first use of the facilities and thereafter be permanently retained.

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.

9. Smoking shelter - Prior to the commencement of the development, full details of the smoking shelter shall be submitted to and approved in writing by the Local Planning Authority. The structure as agreed shall be installed prior to the first use of the facilities and thereafter be permanently retained.

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.

10. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the 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 the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

12. 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.

13. Construction Method Statement - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- And the development shall be carried out in accordance with the approved scheme and statement.

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

14. Amplified music - There shall be no amplified music or speech within the application site other than within the clubhouse building hereby permitted at any time.

Reason: In the interests of safeguarding public amenity.

15. Live music - Any functions at which live or amplified music is played shall take place only on Fridays and Saturdays and on those occasions the use of the clubhouse for such functions shall cease no later than 23.00.

Reason: To protect the amenity of nearby residents.

16. Hours of clubhouse - The clubhouse hereby permitted shall not be used other than between the following hours: Mondays - Thursdays 10.00 - 22.30; Fridays and Saturdays 11.00 - 23.00 and Sundays 11.00 - 18.00.

Reason: In the interest of residential amenity.

17. Use of floodlights - The floodlights hereby approved shall not be illuminated other than between the hours of 19.00 - 22.30 on Tuesdays and 14.30 - 17.30 on Saturdays during winter cup competition games and not at all on

any other days without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity.

18. Noise levels - 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 the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

19. Odours - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and only operated during normal working hours as approved under condition 16.

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

20. Noise - Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours as approved under condition 16.

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

21. Noise - 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 clubhouse building. The applicant shall include in any such assessment details of any loudspeaker or emergency public address system proposed at the premises. Such a 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/adjacent properties.

22. Contamination - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing

by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

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

23. Waste and recycling - The provision of satisfactory facilities for the storage of waste and recycling awaiting collection and adequate arrangements for waste collection and disposal shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building/development.

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

24. Grease trap - Before the kitchen becomes operational a grease trap to the foul drainage system shall be fitted. Thereafter the equipment shall be properly maintained.

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

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

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

26. CCTV - Prior to the commencement of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor and the approved scheme shall be installed prior to the application site first coming into its authorised use.

Reason: In the interests of creating safer, sustainable communities and residential amenity, reflecting guidance set out in CP17 of the LDF Core Strategy and DC63 of the of the Development Control Policies DPD.

27. Anti-graffiti treatment - Before any of the development hereby permitted is commenced, details of an anti-graffiti treatment to be applied to the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the

approved treatment shall be applied in accordance with the approved details.

Reason: To help ensure that the buildings are not spoiled by graffiti which could result in an adverse visual amenities on the area, and that the development accords with guidance set out in CP17 of the LDF Core Strategy and DC63 of the of the Development Control Policies DPD.

28. Public highway - Prior to the commencement of the development, details of the proposed works affecting the public highway shall be submitted to and approved in writing by the Local Planning Authority, and all necessary agreements, notices or licenses to enable the proposed alterations to the Public Highway shall be entered into and secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety.

29. Parking Management Scheme - No development under this permission shall commence until a Parking Management Scheme for the control of car parking on the eastern school car park and school tennis courts overspill car park has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for the use of this area as overspill car parking on match days only. Information shall be provided regarding the management of the gates at the access of the new car park. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

30. Flood and external lighting - Prior to the commencement of the development hereby approved, details of the floodlighting and any other means of external lighting to the site, including the car park adjacent to the club house, shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and site security.

31. Renewable energy - The renewable energy generation system and rainwater harvesting system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the new floorspace. The development shall thereafter be carried out in full accordance with the agreed details and the measures identified therein.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 in the LDF Development Control Policies Development Plan Document and Policies 5.2, 5.3 and 5.7 of the London Plan.

32. Drainage –Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) produced by GTA Civils Ltd for Westlands Playing Field, Romford, Ref 3328/2.3 Rev A dated 24/08/09 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.

33. Travel Plan - Before the use hereby approved first commences, a Travel Plan shall be submitted to the Local Planning Authority for approval providing for an integrated package of transportation measures to accord with the principles set out in current guidance to reduce car travel to the site and the details thereby approved shall be implemented prior to the commencement of the use to which this permission refers. The scheme so submitted shall be prepared in joint consultation with the Local Highway Authority and shall include measures for sustainable means of travel to and from the site and that the Local Highway Authority deem appropriate together with full details of the management arrangements by which such measures are to be procured. Once implemented the Travel Plan should be monitored at yearly intervals with the results submitted to the Local Planning Authority in writing.

Reason: In the interests of sustainability and encouraging reduced car travel to the site.

34. Cycle storage - Prior to the commencement of the use hereby approved, secure cycle parking space shall be made available within the site for the parking of 1 space per 20 staff and 1 space per 20 peak period visitors, in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority. Thereafter, the cycle parking facilities shall be permanently retained.

Reason: In the interests of promoting alternative, sustainable means of travel to and from the site.

35. Community Use Scheme - Prior to the commencement of the development hereby approved, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of access policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord

with LDF Policy.

36. Traffic Impact Assessment - The application site shall not be used for its permitted purposes following acceptance of any promotion from their current division (The Ryman Football League, North Division) or any subsequent promotion before the applicants have submitted a Traffic Impact Assessment (TIA) to the Council. The TIA shall be agreed in writing by the Council to determine the appropriate levels of parking provision on site or in other convenient site or sites for off street parking of both cars and coaches likely to be generated by the football club so promoted. Further that such measures agreed in the TIA be implemented, subject to all necessary consents first being secured, prior to the application site being used for football in a superior division to their current division.

Reason: To enable the Local Planning Authority to minimise the impact of any increase of parking that may be generated by promotion.

37. Off street parking - The application site shall not be used for any FA Cup home fixtures prior to the applicant making provision for off street parking on a temporary basis to serve any likely increase in the demand for parking of cars and coaches generated by the said fixture and that arrangement for such provision be submitted to and agreed in writing by the Local Planning Authority prior to the fixture taking place.

Reason: To enable the Local Planning Authority to minimise the impact of any increase of parking that may be generated by such fixtures.

38. Fire hydrant - Before the use hereby approved first commences, one private fire hydrant shall be installed in the position shown on drawing No. MON-0508-801 Rev 0 and shall be numbered P111437. The hydrant shall conform to BS 750:1984 and be indicated with a hydrant indicator plate conforming to BS 3251:1976.

Reason: To provide an adequate supply of water for fire fighting.

39. Traffic Impact Assessment - The application site shall not be used for its permitted purposes following acceptance of any promotion from their current division (The Ryman Football League, North Division) or any subsequent promotion before the applicants have submitted a Traffic Impact Assessment (TIA) to the Council. The TIA shall be agreed in writing by the Council to determine the appropriate levels of parking provision on site or in other convenient site or sites for off street parking of both cars and coaches likely to be generated by the football club so promoted. Further that such measures agreed in the TIA be implemented, subject to all necessary consents first being secured, prior to the application site being used for football in a superior division to their current division.

Reason: To enable the Local Planning Authority to minimise the impact of any increase of parking that may be generated by promotion.

40. Off street parking - The application site shall not be used for any FA Cup home fixtures prior to the applicant making provision for off street parking on a temporary basis to serve any likely increase in the demand for parking of cars and coaches generated by the said fixture and that arrangement for such provision be submitted to and agreed in writing by the Local Planning Authority prior to the fixture taking place.
Reason: To enable the Local Planning Authority to minimise the impact of any increase of parking that may be generated by promotion.
41. Archaeological works – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

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. The applicant is advised that the following information is required to discharge condition 32. In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
 - A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - Confirmation of the critical storm duration.
 - Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
 - Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy

Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

3. The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
4. Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the life of the development. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified in accordance with current best practice and submitted to the Local Planning Authority.
5. The applicant is advised that this planning permission does not constitute Highways approval, which will need to be sought separately prior to the commencement of the development. 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 Traffic & Engineering, Technical Services on 01708 432501 to commence the Submission/Licence Approval process.
6. In aiming to satisfy conditions 25 and 26, the applicant should seek the advice of the Police Crime Prevention Design Advisor. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
7. The applicant is advised that a separate application for any advertisements is required showing full details of the proposed position, materials and colouring to be used in the construction of the adverts and the development may only be carried out in accordance with detailed plans and particulars which shall have been submitted to and approved by the Local Planning Authority.
8. 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.

REPORT DETAIL

1. Background:

- 1.1 Planning permission was granted under planning application, P0845.09 for a new football ground including a pavilion clubhouse with a covered seating area, covered terracing stand, toilet block, floodlight masts, a car parking area and an access road on 6th August 2010. This permission was not implemented as the necessary funding had not been put in place, and the Romford FC did not have the required expertise to complete funding requests correctly. Romford FC now has two people working part time on this, who have secured a large part of the funding and have past experience of obtaining grants.

2. Site Description

- 2.1 The application site is the Westlands Playing Fields, which are situated on the south side of London Road, immediately west of St. Edwards School. The site is relatively flat and consists of predominantly open green playing fields. In the north eastern corner of the site is an existing parking area accessed from London Road. To the north is a double height sports pavilion building together with a single storey WC block and a store building.
- 2.2 The general surroundings are predominantly open playing fields used for various summer and winter sports, with a car parking and tennis court area to the east. This adjoins the St Edwards School site to the east which comprises single to four storey buildings. Further to the west are two storey residential properties, with the West Ham training fields to the south west. To the north east are two storey residential properties opposite London Road. To the south approximately 190m from the site are railway lines and three storey flatted development and two storey residential properties.
- 2.3 The site forms part of the Metropolitan Green Belt and the Thames Chase Community Forest policy areas as identified within the Local Development Framework Proposals Map.

3. Description of Proposal

- 3.1 The application seeks planning permission to extend the time limit for implementation of permission reference P0845.09 to redevelop part of the Westlands Playing Fields site with a football ground comprising a pitch, a pavilion clubhouse with a covered seating area, covered terracing stand, kiosk, new car parking area and floodlights, which expired on 6th August 2013.

- 3.2 The grass football pitch would be located approximately 3m west of the proposed pavilion building and would measure 102m long by 65m wide. The proposed pavilion would measure 33m wide, 20.7m deep and 6.2m high to the pitched roof and incorporate a covered 180 person seating area, 4 changing rooms, lounge/function area, bar, kitchen, committee room, lobby, office, store, showers and WC's, medical room, equipment store room and plant room.
- 3.3 All of the proposed floor space will be for sport and recreational purposes (Use Class D2) and the facilities would be used mainly by the Romford FC and associated senior leagues. The facilities would however also be used for community based activities during school holidays and both the football pitch and social club will be made available to hire for other youth and sports groups, including college academy teams, local schools and football leagues. The clubhouse will also be used for meetings, child protection workshops, emergency first aid courses, and child orientated groups including scouts, mother and toddlers and after school clubs.
- 3.4 The 5 tier covered terracing block would be 43m wide, 5m deep and 5m high to sloping roof and incorporate concrete steps for standing purposes and a male/female toilet block. 2.4m high outer perimeter fencing is proposed around the site along with hedging and a 1m high fence/barrier is proposed around the football pitch with infill advertisement hoarding. Two coaches dugouts are proposed to the western side of the pitch and 8no 15m high floodlight columns are proposed around the pitch.
- 3.5 A new vehicular access road and 22 car parking spaces is proposed to connect to the existing car parking area to the north east which is currently accessed from London Road. The new car parking area would be located adjacent north of the proposed pavilion building.
- 3.6 There would be no net loss of the existing sports pitches however a new arrangement of the existing summer pitches is proposed which involves repositioning the 8 lane running track to have a north/south position rather than the existing east/west orientation. The existing 6 no. rounders' pitches and 2 no. training grids would also be moved from their current positions and located due north and south of the proposed football pitch, however they would remain in a similar arrangement to the northern part of the site. The grassed cricket pitch and all weather cricket pitch would remain in position towards the southern half of the site with the 12 no. 5-a-side pitches spread out in equal distances towards the southern most part of the site.
- 3.7 The winter sports pitches would be re-arranged and the new larger football pitch would replace one of the under 17-18 football pitches. The remainder of pitches includes the existing 3 no. under 9-10 pitches, 2 no. under 11-13 pitches, 3 no. under 14-16 pitches, 2 rugby fields and 2 no. 17-18 pitches, which would be re-arranged throughout the site.
- 3.8 The times of use for spectators watching matches during the football season would include Saturday afternoons between 14.00 and 17.30, Tuesday

evenings between 18.30 and 22.00 and Sundays in the season between 10.00 and 14.00.

4. Planning History

- 4.1 P0845.09 – New football ground including pavilion clubhouse with covered seating area, covered terracing stand, toilet block, floodlight masts, car parking area and access road – Approved.

P1915.05 Demolish existing sports pavilion, public WCs and maintenance store and replace with new pavilion incorporating public WCs & maintenance store - Approved.

P1513.04 Demolition of existing sports pavilion and replacement with new pavilion incorporating public WC's and maintenance store - Approved.

5. Consultations/Representations

- 5.1 The application has been advertised on site and in the local press and neighbour notification letters have been sent to 454 neighbouring and nearby properties. 7 letters of objection were received (two were from the same address) with detailed comments that have been summarised as follows:

- Anti-social behaviour.
- Noise and disturbance.
- Light pollution.
- Queried why the proposal cannot be built closer to the railway line, where the under 14 and 18 pitches are away from residential properties.
- Congestion, traffic, parking and access.
- Hours of use of the function rooms.
- Devaluation in property value.
- Impact on visual amenity.
- Noise and disruption from the extensions to the school, the golf course and the proposed development.
- Overdevelopment of the site.
- Scale of the development.
- Highway safety.

- 5.2 The Crime Prevention Design Advisor raises no objection to the application subject to 'Secure by Design' conditions including a CCTV requirement and a lighting condition be added to cover the car park adjacent to the club house.

- 5.3 The London Fire Brigade requires 1 private fire hydrant to be provided.

- 5.4 The London Fire and Emergency Planning Authority (LFEPA) is satisfied with the proposals.

5.5 The Environment Agency is satisfied that the surface water will be discharged into the nearby ditch. This is a sustainable surface water drainage strategy and is compliant with Policy 5.13 of the London Plan and DC48 of the LDF. The Environment Agency has no objection to the proposal subject to a condition regarding a detailed surface water drainage scheme for the site.

6. Relevant policies

6.1 Policies CP8 (Community Needs), CP9 (Reducing the need to travel), CP10 (Sustainable transport), CP14 (Green Belt), CP17 (Design), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC20 (Access to recreation and leisure including open space), DC26 (Location of community facilities), DC29 (Educational premises), DC32 (The road network), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC45 (Appropriate development in the Green Belt), DC48 (Flood risk), DC49 (Sustainable design and construction), DC50 (Renewable energy), DC51 (Water supply, drainage and quality), DC53 (Contaminated land), DC55 (Noise), DC56 (Light), DC61 (Urban design), DC62 (Access) and DC63 (Delivering safer places) of the LDF Development Control Policies Development Plan Document are considered to be material in the consideration of this application.

6.2 Policies 2.4 (The 2012 Games and their legacy), 3.6 (Children and young people's play and informal recreation facilities), 3.19 (Sports facilities), 4.6 (Support for and enhancement of arts, culture, sport and entertainment provision), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.21 (Contaminated land), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing traffic flow and tackling congestion), 6.13 (Parking), 7.1 (Building London's neighbourhoods and communities), 7.3 (Designing out crime), 7.4 (Local character), 7.13 (Safety, security and resilience to emergency), 7.15 (Reducing noise and enhancing soundscapes), 7.16 (Green belt), 7.18 (Protecting open space and addressing local deficiency) and 8.3 (Community infrastructure levy) of the London Plan.

6.3 Chapters 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 7 (Requiring good design), 8 (Promoting healthy communities), 9 (Protecting green belt land), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) of National Planning Policy Framework are relevant.

7. Staff Comments

7.1 The main considerations in this case are the principle of the development, the impact of the development in the street scene and on the Green Belt, the impact on the amenities of adjoining occupiers and highway and parking issues.

7.2 Principle of Development

- 7.2.1 Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within the National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and their permanence. Chapter 9 (protecting green belt land) of the NPPF states that the construction of new buildings are inappropriate in the Green Belt, with the exception of the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 7.2.2 From a strategic perspective, the London Plan states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Wherever possible, multi-use public facilities for sport and recreational activity should be encouraged. The provision of floodlighting should be supported in areas where there is an identified need for sports facilities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity. Where sports facility developments are proposed on existing open space, they will need to be considered carefully in light of policies on Green Belt and protecting open space as well as the borough's own assessment of needs and opportunities for both sports facilities and for green multifunctional open space.
- 7.2.3 The Council's Living Ambition involves a 20 year vision for the borough including opportunities to work with partners and the local community to shape a future for Havering. The aspirations include achieving a borough that will have benefited from the 2012 Olympic and Paralympic Games and their enduring legacy.
- 7.2.4 Policy DC18 encourages the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership. Priority will be given to other recreation/leisure uses such as allotments or sports pitches where there is an identified need for such uses.
- 7.2.5 Policy DC20 encourages a varied range of accessible leisure and recreation facilities throughout the borough. The policy also promotes the dual use of education sports and recreation facilities by the public to make the best use of additional sports facilities and the proposal complies with this policy.
- 7.2.6 Policy DC45 of the LDF further acknowledges the appropriateness of outdoor recreational facilities within the Green Belt. The Policy also requires that care be taken to ensure the use would not have a greater impact on the openness of the Green Belt. The proposal would introduce a new pavilion building, terracing stand and kiosk. Care should therefore be taken within Green Belt land to avoid inappropriate development and as such development should not be approved except in very special circumstances.

The applicant has put forward special circumstances in this case to justify the scale of the development including the related facilities like the pavilion and terrace buildings as well as the car parking area.

- 7.2.7 The applicant states that the proposed facilities are required in connection with the use of the existing sports pitches, as a means of providing a permanent home for Romford FC and its community projects. The facilities would cater for a wide range of membership which includes an emphasis on family involvement in the sport and involves community based activities, which requires facilities for girls, special needs, disabled and youth teams.
- 7.2.8 The applicant further states that the football Club has been actively looking for a permanent home since 1992 and that sites previously suggested by the Council have not been deemed suitable. The Council's Culture & Leisure Services and Romford Football Club found that this site would offer the club the opportunity to bring senior football back to the Borough, and to allow the club to expand its community work. Without this development the applicant advises that the club and related projects may cease to exist. The pavilion will provide the facilities necessary to fulfil the requirements of the FA and allow the club to attract new support and revenue through activities within the pavilion.
- 7.2.9 The club currently work with Homes and Housing, Brooklands Resident Association and other community groups and therefore seek planning permission for an extension of time in order to move some of these projects to Westlands Playing Fields. The club could also offer after school clubs to schools with no playing fields and the intention would be to run soccer schools in the school holidays for various groups. The club has been granted deaf friendly football status and would run courses at the site, some offered to obese children and parents on low incomes.
- 7.2.10 The provision of additional and improved sports and recreational facilities within the Borough is in accordance with the general principles of national and local policy. The existing playing field layout for both summer and winter sports will be redesigned and there will be no loss of pitches for any of the sports playing on the site at present.
- 7.2.11 In overarching policy terms therefore, the proposal to redevelop this part of Westlands Playing Fields is supported in principle as it would improve an existing recreational facility, not result in a net loss of a sport playing field, and therefore help to deliver the Mayor's London and the Council's Borough-wide vision of sports, recreational and community opportunities for all. Furthermore the principle of the use would not conflict with purposes of including land within the Green Belt as identified within Chapter 9 of the NPPF and Policy DC45.
- 7.2.12 As the proposal includes large buildings and a hard surfaced car parking area, their impact on the openness of the Green Belt should further be given due consideration. Their appropriateness should be explained and justified

in full. The scale and impact of the facilities are appraised below in relation to their impact on the Green Belt.

7.3 Impact on the character and appearance of the Green Belt

- 7.3.1 The existing playing fields are located within a mixed use area with sports, educational and residential uses surrounding the site. However, the area is predominantly open and serves an important Green Belt function. The residential properties in the wider area comprise of two and three storey buildings, the school has single to four storey buildings and the playing fields itself has a double height pavilion building with related detached toilet block and store buildings.
- 7.3.2 The applicant states that the proposed facilities are essential and required in connection with the use of the proposed football pitch by Romford Football Club. Although this would replace in part existing sports pitches on Westlands Playing Fields, the proposed use for D2 outdoor sports purposes seek to improve on the existing facilities and would be in keeping with the existing outdoor uses including football, rugby, cricket, rounders and athletics. The majority of the proposed site would be taken up by the proposed football pitch which is comparable in size with the minimum required league pitches of 100m by 64m.
- 7.3.3 The proposed buildings would be sited deeper within the site towards the centre of the open fields away from nearby buildings and would not be screened by any existing boundary landscaping. It is however proposed to create new perimeter fencing with hedging around the pitch and buildings. The proposed screening would consist of steel fencing and hedging, in order to reduce the impact of the development on the openness of the Green Belt and to provide some natural screening of the use. This in itself however constitutes development and could be judged as further encroachment into the Green Belt.
- 7.3.4 In respect of impact on the Green Belt, the proposed pavilion building measures 6.2m in height and covers 683sq.m in footprint. The terracing stand would measure 5m in height with a footprint of 215sq.m. The applicant states that these structures are required by the Football Association ground grading criteria and the facilities have been based around the minimum ground grading requirements. Any club that seeks promotion to a league or division in a higher level must have a ground that fulfils certain criteria. The criteria are based on various standards laid out within specific sections that are required to be met. Some of these that are relevant in terms of planning considerations include capacity, boundary of ground, car parking, pitch perimeter barrier, playing area, technical area, floodlighting, entrances, lighting, spectator accommodation, press seating, terracing, toilets, ground refreshment facilities, dressing room facilities - players and match officials.
- 7.3.5 With regards to using the existing replacement pavilion building, the applicant states that the facilities offered by this building could not be used

given that the changing rooms would not meet the required standards for the club. The circumstances are unique in that the club are providing a community facility for senior football and junior community facilities. The agent states that it is important that the plans keep to the strict requirements of the FA, The Ryman Football League, North Division and the Essex FA. These require that the changing rooms must be of a minimum size of 18 square metres, there must be no access to the senior changing rooms from other changing rooms and there must be a covered walkway from the players' entrance to the pitch. As well as changing room facilities a bar, board room and clubhouse need to be provided. There has to be a secure entrance and exit to and from the changing rooms, through which only players and the referee can pass (no other teams). Furthermore the toilet facilities and the shower facilities must be contained within the changing room area, (not included within the 18sqm).

7.3.6 Given the strict ground grading rules Staff are of the opinion that the facilities are essential to the use as proposed. In addition, it is not considered that the existing pavilion building could be used for the purposes as required by the club.

7.3.7 In respect of impact on the Green Belt therefore, although the proposed pavilion building would be equivalent to one and a half storeys in height and that it would be set in large open grounds, it would not, as a matter of judgement look out of character or scale within such a sports facility. Similarly the terracing stand, although set further within the open site, is an essential facility to such an use and could be appropriately screened by landscaping on the perimeter. The proposed development, although adding additional floor space, is not considered to result in an over-intense use leading to overdevelopment of the site above that normally associated with football clubs of this size and status.

7.3.8 Turning to the issue of the impact of the additional car parking adjacent to the pavilion on the Green Belt, this part of the proposals may be considered to have an adverse impact on the open nature of the Green Belt. However, as identified this development is required in relation to the clubhouse and facilities which are considered essential to the function of the proposed use. Staff consider that as a matter of judgement there would not be a significant impact on either the open nature or visual amenities of the Green Belt. Any adverse impact would not in Staff's judgement be sufficient to warrant refusing planning permission.

7.3.9 The scale of the buildings and the impact on the openness of the Green Belt were deemed to be acceptable for planning application P0845.09. Although the buildings are considered to be essential in light of the club's intentions to meet FA ground grading criteria, the scale of building within currently undeveloped Green Belt would impact materially upon its openness. This would be further compounded by the retention of the rebuilt pavilion adjoining the site. Subject to comprehensive landscaping however, Staff consider, on balance that the visual impact of the new development upon

the Green Belt would not be prejudicial to such extent as to warrant grounds for refusal.

7.4 Design/impact on street/Garden scene

- 7.4.1 It is considered that the proposal would not have a detrimental impact on the streetscene in London Road, as the buildings would be located towards the centre of the open fields away from nearby buildings. In addition, the impact of the pitch and buildings would be partly mitigated by new steel fencing with hedging on their perimeter, which would provide some screening.
- 7.4.2 The design and finishing of the buildings would be acceptable subject to the use of high quality external finishes. Details of materials can be secured via condition which would help to ensure that they are sympathetic to their context. The applicant has agreed to have all facing brickwork finished with anti-graffiti material. Similarly the type and size of hard and soft landscaping proposed along the perimeter fencing could be secured via a condition.

7.5 Impact on amenity

- 7.5.1 From a residential amenity perspective, impacts arising from the proposal fall into four broad themes: whether the new buildings are physically overbearing, whether a prejudicial loss of privacy would arise, whether car parking overspill would occur and whether a harmful level of noise and disturbance would result from the development. These impacts are collectively explored below.
- 7.5.2 The pavilion building would be set approximately 130m from the nearest residential properties facing London Road towards the north east. On the basis of these distances and given the siting of the buildings, it is considered that physical impact of the single storey buildings upon neighbours' light and outlook would accord with Policy DC61 objectives. Furthermore in terms of overlooking and invasion of privacy there would be no greater impact on the amenities of the nearest properties than currently exists.
- 7.5.3 The major issue when considering the issue of amenity is the degree to which the existing pattern of use would change and whether the effect of this would be acceptable under Policy DC61. This includes consideration of matters such as the intensification of the use, the effect of additional car parking and movements to and from the site. For planning application P0845.09, the applicant submitted noise level details of a Romford FC football game played at Aveley Football Club, Mill Field. Various readings were taken before, during and after the game and it was found that decibel readings ranged between 63.1dB to 90.4dB, with the highest recorded when Romford scored their first goal. When compared with the highest noise level recorded at Westlands Playing Fields during a junior game, the highest reading was 84.7dB as a game ended. This is comparable with the Romford FC game.

- 7.5.4 The club's aim to provide a range of membership and the size of the lounge/bar areas proposed is likely to intensify activity at the site, including social activities. The existing facilities at the site already have an impact upon the amenity of the surrounding area. In particular, neighbour representations cite disturbance caused by weekend and mid-week evening games, as well as car parking and activities at the adjacent school. Other concerns relate to parked vehicles and traffic in surrounding roads and the activity of patrons leaving the premises. It is suggested, however, that matters such as increased use of the pitches and additional spectators must be seen in the context of the site's well established use for various sports activities. Gauged against existing levels of activity, it is arguable whether the use per se would, in these respects, materially harm the amenity of local residents.
- 7.5.5 Perhaps the most significant change during these periods of use would be the additional parking and activity to and from the site. However, this would be overspill parking which could be restricted by condition. It is relevant to note that, in the case of the nearest properties at 371a and 371 London Road, the garden/amenity areas of these properties are set at a distance of approximately 125m from the proposed pavilion building and, in the case of no. 371a there is a walled/fenced access between the car parking area and the proposed car parking. Its rear garden is set further away and, taking account of the level of vehicular activity already associated with this part of the application site, staff consider that any additional noise and disturbance created during daytime/early evening periods would not be so severe as to justify refusal on amenity grounds.
- 7.5.6 There is also scope for the new and existing car park to be enhanced with planting, not only along the boundary but, as an improvement upon the existing situation, within the layout itself. Also in practice, although parking will occupy the northern-most spaces when the site is most heavily attended, it is likely during most other times that parking would be concentrated closer to the club house, i.e. further away from adjoining houses and as overspill onto the identified existing school tennis courts.
- 7.5.7 Issues relating to later evening use and disturbance also need to be considered, but need to be seen within the context of existing social use of the fields. Whilst the lounge/bar area is to be extended for use by different community groups, this would not in itself necessarily lead to any greater use of the clubhouse for social use. It should be noted that Members considered that the siting of the clubhouse to the north, approved under application P1915.05, at 25m from the nearest neighbouring properties, would not cause an adverse impact to neighbours' amenities. In respect of the use of this existing building, it is available for use by local schools during the day and for users of the adjacent football and rugby pitches at the weekend. This is the same as to be catered for by the proposed clubhouse. It should therefore be considered whether the additional use would cause a significant material change in levels of use or activity.

- 7.5.8 The social area is not as large as members considered acceptable at the existing pavilion building which consists of a lounge area of 120sq.m against the proposed 85sq.m. Conditions could be imposed to restrict its use so that it would remain incidental to the main use as a clubhouse. Furthermore, although there is a small detached café/kiosk building proposed this is only for use in connection with the use of the clubhouse, for example for parents watching the junior football teams play at the weekend, and would not be used as a separate facility. This could also be controlled by condition.
- 7.5.9 In line with league rules, the applicant has requested that on match days the clubhouse be opened between 10.00 until 22:30 Mondays to Thursdays, and on Fridays and Saturdays 11.00 - 23.00 and Sundays 11.00 - 18.00. This is to allow for cup games that potentially have extra time, on non-match days use after training, possible meetings and in the summer months the clubhouse would be used after junior training, for lectures, parents meetings etc. It is recommended that where functions that involves live or amplified music to be played, that this shall take place only on Fridays and Saturdays and on those occasions the use of the clubhouse for such functions shall cease not later than 23.00.
- 7.5.10 Provided that the above hour restrictions and amplified music conditions are imposed, it is suggested that, along with other controls presently restricting the adjacent use, it would be difficult to oppose an additional lounge/bar area bar solely on the grounds that it would cause more-intensive occupation of the site.
- 7.5.11 The remaining amenity issue concerns the impact of the floodlighting on nearby residents during later evening hours. The football pitch would be fitted with 8 no. floodlight masts to 15m height with 2 no. beams on each mast. The masts have specifically been designed for side lighting of sports areas and to meet the Football League's requirements for National Ground Grading Class II. In terms of direction, the lights would be fitted with a separate device for the accurate setting of lighting beams. The new access road would be lit with 2 no. special road lighting columns with a mounting height of between 4m to 10m. The car park lighting would be between 5m to 8m high with an option of internal shield to give asymmetric distribution and eliminate overspill light.
- 7.5.12 It is proposed to limit the usage of the floodlights on evening games and some weekend games in the winter only. Given the limited lighting proposed, the distance of these lights from nearby neighbours and the restriction of hours of operation of the use, it is not considered that this proposal would be likely to exceed the luminance normally expected with such a use or demands generated by evening use of the building, including the use of the social element. Under such circumstances, having regard to the relationship of the new parking area to residential boundaries and the distances of some 130m and 160m between the pitch floodlights and neighbouring properties facing London Road and Coombewood Drive respectively, it is not considered that levels of light pollution would be so material as to conflict with Policy DC61 objectives.

7.5.13 It is highlighted in neighbours concerns that anti-social behaviour exists and would worsen with the proposed usage of the clubhouse. Consultation has taken place with the Crime Prevention Design Advisor who requires that the use benefits from surveillance. The site does not currently have on site security or a CCTV system operation. As suggested by the Crime Prevention Design Advisor therefore, and as agreed with the applicant, it is recommended by way of condition that the site be covered with a CCTV system and cameras are installed which would cover the new facilities.

7.5.14 It is considered that the proposals would not result in unacceptable conditions in terms of privacy, outlook, noise, loss of light or light overspill and complies with Policy DC61 of the LDF Development Control Policies DPD.

7.6 Highway/parking issues

7.6.1 The proposals would create a 22 bay car park which would be connected to the existing 80 spaces and 2 bus/coach bays located within the car park to the north eastern corner of the site. In total, this would provide for 102 car parking spaces and 2 coach/bus bays, which are intended for use by visitors to Westlands Playing Fields. In addition to this, it is proposed to utilise the existing 100 space school car park to the east as well as the 120 space tennis courts to the south east as overspill car parking on match days, when required.

7.6.2 The proposals would therefore provide for a total car parking capacity of 322 spaces. Policy DC33 requires that at least 1 space per 6 seats be provided for D2 assembly and leisure uses. For outdoor recreation the assessment should be based on the total number of players, including substitutes, referees etc, and an allowance for paying spectators. Where clubhouse facilities are provided, additional parking provision at a licensed premises standard will be required.

7.6.3 The total car parking requirement in this case therefore needs to be determined on the merits of the proposals. The applicant confirmed that, for a 1st team match there would be approximately 34 players, 8 support staff, 3 officials and 12 committee members. The Clubs' average attendance last season was 102 spectators per match for the last two seasons. The applicant also confirms that in a worst case scenario, if the Club reached the 1st round of the FA cup, there could be the potential for a 1000 supporters as a one off game. This however has never happened in the clubs' 18 year existence. The highest attendance for Romford FC is 260 supporters. For the level at which Romford FC play, the facility would need a safety certificate for 3500 supporters, although this figure is never likely to be reached. Should a situation arise where the club needed a large capacity then the Council, emergency services, and the FA would advise the club if it is safe to put the fixture on based on the crowd. If for example, Romford FC was drawn at home to a side whose average crowd is 4000, it is unlikely the club would be allowed to host the game, so Romford FC would have to hire

the nearest ground that could hold and segregate supports safely. Romford FC would probably hire Dagenham and Redbridge, or possibly Orient. AFC Hornchurch recently hosted a league game and Sky Sports at Bridge Avenue.

- 7.6.4 On average therefore assuming the use would attract an average of 169 persons per game and based on 1 space per 6 seats, this would mean that at least 28 car parking spaces should be provided. It is therefore considered that the 102 existing/proposed car parking spaces and 2 coach/bus bays, as well as the existing 220 spaces available for overspill car parking would be more than sufficient to accommodate the likely car parking demand.
- 7.6.5 It is acknowledged that, during school hours, the existing car parking areas are heavily used by staff of the adjacent St. Edward's School. The existing pavilion is mainly used by pupils of St. Edwards School during school days, and it is proposed to continue this relationship with Romford FC. Other schools using the pavilion would arrive at the site by coach, for which there are parking facilities. During the weekend and during match days, when the Club is likely to attract most general usage, the overspill car park areas would be available for visitors' cars. The proposed use of the existing tennis court for overspill car parking on match days would further supplement car parking facilities.
- 7.6.6 The Club have indicated a wish to increase the car parking facilities to match the potential maximum demand that would be generated by the proposed use. It is considered that the net increase of player membership and other community groups introduced at the site could be managed and additional parking proposed would be able to accommodate the additional traffic. Furthermore, it should be noted that larger matches would take place on Tuesdays and over weekends out of school hours, which would avoid a conflict with school parking. Rather, the aim of the extended car park is to improve upon their existing cramped parking situation, whilst providing additional spaces to ensure that higher demands can be catered for.
- 7.6.7 The proposed level of parking is considered acceptable, particularly as the Club is to provide a Parking Management Strategy as well as a Travel Plan which will encourage the use of sustainable modes of travel and secure appropriate management of parking allocation. It is also recommended that cycle parking be provided on site in line with the standard requirement of 1 space per 20 staff and 1 space per 20 peak period visitors.
- 7.6.8 The vehicular access and on-site movement strategy will not alter significantly as part of the redevelopment proposals. The new access road would connect to the existing car park and continue the flow of traffic towards the new car park and pavilion building. The main vehicular access to the site would continue to be taken off London Road to the north.
- 7.6.9 Delivery and refuse needs would have to be incorporated and extended to the new development and a condition is recommended to ensure appropriate steps would be taken to address arrangements on refuse

collection days. This is recommended by way of a refuse collection condition.

7.6.10 Entry into the site will further be improved through the provision of an additional car park and access road that will allow for the additional traffic expected during peak periods. The primary site access arrangement would remain unaltered and will continue to allow service and emergency vehicles to access the site via the northern access junction. The management of the gate at the access into the new car park could be controlled by way of condition to secure further details.

7.6.11 It is noted that planning permission has been granted for the removal of two temporary buildings and the erection of a separate four storey sixth form block at St Edward's Church of England School and 6th Form College under application P1538.12. The proposal involved increasing the current sixth form capacity from 260 to 400 pupils (an additional 140 pupils), although the number of parking spaces remained the same. Nonetheless it was considered that the existing parking arrangements met the standards for schools. Staff consider that there is sufficient car parking provision for the proposal and the car parks would not be used at the same time as St Edwards School and 6th Form College. The proposals would be consistent with Policies DC32, DC33, DC34, DC35 and DC36 subject to the recommended conditions.

7.7 Other issues

7.7.1 Policy DC72 in the LDF requires planning obligations to be sought towards sustainable development where appropriate. Given the scale of the proposed development and the likely impact, the scheme does not require the applicant to contribute either financially or otherwise through a Section 106 Agreement.

7.7.2 The applicant has provided an outline Energy Statement which describes systems in making the development sustainable and to address energy related policies. The Energy Statement provided states that it is proposed to use an underground rainwater harvesting system with a collection tank of 10,000 litre capacity. The scheme will also incorporate 4no solar panels into the roof of the pavilion to assist in the heating of the hot water supply. No detailed designs have been developed, however, information submitted in the form of material specifications highlights a number of possible options. The applicant is therefore required to provide more detail by way of condition. No obligation towards a BREEAM assessment has been requested in this case given the nature of the building and its relatively minor form of development in relation to the total footprint of the development. The Council's Energy Advisor confirmed that he has no objection to this.

7.7.3 The application is accompanied by a Flood Risk Assessment which confirms that Sustainable Urban Drainage Systems (SUDS) have been considered in the design stage as required by the Environmental Agency.

This, however, was found not to be a viable option both in terms of health and safety and the loss of playing fields. Additionally the applicant confirmed that this would not be a financially viable option. A surface water drainage strategy could instead be achieved through the rainwater harvesting system and by utilising porous paving on the car park and access road. All the hardstanding areas on the site would be finished with an asphalt porous paving system (tarmacdry or similar). This system would capture rain and surface water and either store it for recycling, or release it immediately into the sub-grade or performing a controlled release into the existing drainage. No detailed design of the sub-base has been submitted and the drainage details could be controlled through the imposition of a condition.

- 7.7.4 The Environmental Agency accepts that their previous suggestion to install an attenuation pond to serve as SUDS would not be desirable on the playing fields and would present an unnecessary hazard. Additionally, given the size requirements of such a pond, its implementation here would mean that a significant amount of space would be taken up which would result in the loss of some playing fields.

8. The Mayor's Community Infrastructure Levy

- 8.1 The CIL payment is applicable as the net increase in floor area is over 100 square metres. The pavilion and covered stand have a combined gross internal floor area of 898 square metres. On this basis, the CIL liability equals $898 \times \text{£}20 = \text{£}17,960$. $17,960 \times 0.9955 = \text{£}17,879.18$ (subject to indexation).

9. Conclusion

- 9.1 In conclusion, the proposal is considered to be in accordance with Policies CP8, CP9, CP10, CP14, CP17, DC18, DC20, DC26, DC29, DC32, DC33, DC34, DC35, DC36, DC45, DC48, DC49, DC50, DC51, DC53, DC55, DC56, DC61, DC62 and DC63 of the LDF Development Control Policies Development Plan Document, policies 2.4, 3.6, 3.19, 4.6, 5.1, 5.2, 5.3, 5.7, 5.12, 5.13, 5.21, 6.9, 6.10, 6.11, 6.13, 7.1, 7.3, 7.4, 7.13, 7.15, 7.16, 7.18 and 8.3 of the London Plan and Chapters 1, 4, 7, 8, 9, 10, 11 of the National Planning Policy Framework. In terms of the Green Belt impact, whilst there is a judgement required, on balance Staff consider that with additional landscaping, the openness of the Green Belt would not be unduly prejudiced.
- 9.2 It has been sufficiently demonstrated that the facilities are essential in relation to the proposed use for sport and recreation purposes of this scale and nature. The justification could further be supported given that such areas of open space provide vital facilities for developing children's play, exercise and social skills and it is considered that the proposal would contribute positively to this objective.
- 9.3 The proposed scheme will provide a range of benefits, including the provision of updated fit-for-purpose sports facilities, which will enable

Romford FC to compete effectively in further sports training as well as community projects within the borough.

- 9.4 The proposed development will enable Romford FC to retain and improve its presence in the borough and address operational issues associated with the poor space utilisation of the Westlands Playing Fields and prevent further degradation of facilities on the site. The provision of new facilities will allow the Club to continue to attract and retain youth teams, community involvement and provide a stimulus for ongoing sports training.
- 9.5 The redevelopment proposals for this part of Westlands Playing Fields have been developed in the context of national, strategic and local planning policies and the scheme is in accordance with all relevant policies and guidance contained in the LDF, the London Plan and National Planning Policy Framework, and will provide a range of planning benefits of national, regional and local significance.
- 9.6 Taking all of the factors detailed above into account, Staff consider that as a matter of judgement, this extension of time application should be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

The application relates to a site, which is within the Council's ownership.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

The plans and application form were received on 31st July 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 October 2013

Subject Heading:	<p>P1136.12 – 1A Hillview Avenue, Hornchurch</p> <p>Single storey house - Outline (Application received 24th June 2012)</p>
Report Author and contact details:	<p>Helen Oakerbee (Planning Manager, Regulatory Services) 01708 432800</p>
Policy context:	<p>Local Development Framework, London Plan National Planning Policy</p>
Financial summary:	<p>None</p>

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

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

SUMMARY

The application is sought for outline permission for a single storey 2 bedroom dwelling for details regarding access, layout and scale. Landscaping and appearance would be subject to reserved matters. This application is considered to be acceptable in all material respects and, subject to the prior completion of a S106 legal agreement to secure the payment of the Planning Obligations Contribution, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be calculated at the submission of reserved matters application.

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:

- Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, to be acquired by the applicant. This is to ensure that clear and unobstructed pedestrian visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of the Planning Obligations SPD.
- 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.

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

1. Approval of details

The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance of the buildings

and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

Reason:-

The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

2. Time Limit for details

Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason:-

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

3. Time limit for commencement

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason:-

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

4. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the 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 the LDF Development Control Policies Development Plan Document Policy DC61.

5. Materials

All new external finishes shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted and the development shall be constructed with the approved materials.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area.

6. Screen fencing

Before the building hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected to the front, side and rear boundaries of the application site and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

7. Community safety

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

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

8. 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.

9. Land contamination

Following submission by the Developer of a Phase I Report and prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

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

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

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

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

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

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

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

Reason:-

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

10. Construction methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction

Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

11. No additional flank windows

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

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

12. Removal of permitted development rights

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

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

13. Alterations to Public Highway

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

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

14. Licence to alter Public Highway

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

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

15. Levels

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

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

16. 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.

17. Storage of refuse

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

Reason:-

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

18. Visibility splays

Clear and unobstructed pedestrian visibility splays shall be provided to the satisfaction of the Local Planning Authority 2.1m wide and 2.1m deep either side of the new access onto the application site. The approved splays lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

19. Cycle Storage

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

Reason:-

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

INFORMATIVES

1. 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. 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 Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 7 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.

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
5. 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.

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,540. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

Report Detail

1. Site Description

- 1.1 The application site relates to 1a Hillview Avenue which is currently occupied by a vacant single storey workshop building with 4 No. lock-up garages. The site gains access from Hillview Avenue and is located to the rear of Emerson Park Evangelical Church. Ground levels are generally flat with a steep fall towards the rail tracks to the rear of the site. The immediate streetscene is characterised by a mix of detached and semi-detached residential properties and the site falls just outside the Emerson Park Policy Area boundary to the east.

2. Description of Proposal

- 2.1 This outline planning application requests assessment of access, layout and scale and proposes the demolition of the existing workshop and garages on site and the erection of a replacement 2 bedroom bungalow.
- 2.2 The bungalow would measure at its maximum 8.7m deep by 11m wide, set 5.3m from the common boundary with no. 1 Hillview Avenue and 500mm away from the common boundary with the church. The bungalow is proposed approximately 700mm from the rear boundary and railway

embankment. Amenity space towards the rear is approximately 80 sq metres.

- 2.3 Access to the site is proposed via the existing 25m long driveway adjoining no. 1 Hillview Avenue. The scheme will make provision for 2 No. parking spaces with one space allowing vehicles to manoeuvre and turn around on site.

3. Relevant History

- 3.1 P1159.11 - Demolition of existing buildings and construction of single storey bungalow –Outline – Refused – appeal dismissed

Refusal reason - The proposed development would, by reason of the lack of pedestrian visibility splays, result in highway and pedestrian safety being compromised, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.

The appeal was dismissed on issues regarding the visibility splay on the access for the site in question. The Inspector commented that the proposal would be beneficial to the appearance of the site following the removal of two larger outbuildings being the garages and the workshop. The current proposal has the same design and layout as this most recently refused application.

- 3.2 P1602.09 – Single storey house - Refused – appeal dismissed

Refusal reason - The proposed development would, by reason of the inadequate turning area and lack of pedestrian visibility splays, result in vehicles leaving the site in reverse gear to the detriment of highway and pedestrian safety, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.

- 3.3 P1286.08 - Single storey house – outline – appeal dismissed

Refusal reasons - The proposed development would, by reason of its backland location, layout and scale, result in a cramped form of over-development, appear out of keeping with the prevailing pattern of development of the surrounding area and be detrimental to the visual character of the area in general, as well as creating a poor quality living environment for future occupiers, contrary to Policies CP17 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Submission Development Plan Document respectively, as well as contrary to the provisions of PPG3.

The proposed development would, by reason of the inadequate access and parking arrangements on site, result in unacceptable overspill onto the adjoining roads and potential highway hazards to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the Local Development Framework Development Control Document.

The previous applications (P1159.11 and P1602.09) were refused for the same reasons due to the inadequate turning area and lack of pedestrian visibility splays, result in vehicles leaving the site in reverse gear to the detriment of highway and pedestrian safety.

Following refusal of the applications, the applicant appealed against the Council's decisions. Both appeals were dismissed by the inspector for the same reasons the Council refused the application (insufficient turning area and lack of visibility splays).

4. Consultations/Representations

- 4.1 25 neighbouring occupiers were notified of the proposal by individual letter.
- 4.2 One letter of representation were received of which is an objection from adjoining resident, in which they have commented with parking and highway issues, much of this is addressed below in paragraph 10. They also commented on a nearby Tesco planning application, this is noted, however it is considered it would not form part of a material consideration in determining this particular outline application.
- 4.3 The adjoining Church commented that they are not against this application but would like to point out that access to the site over church Land will not be accepted by them and that the dwelling and the construction of the dwelling should not impinge on the church or restrict the church and its work. In response to the above comments, the proposed development would not be within their land.
- 4.4 Highways –comments that the applicant is not in control of the fully required pedestrian visibility and there is a risk that the adjacent plots on the side of the entrance/exit adjoining the open drive to The Emerson Park Evangelical Church and the other side of the entrance/exit to the neighbouring parking space, in that either neighbour may erect boundary fences and walls over 0.6metres without the requirement of a permission. However as mentioned below in the highways paragraph, the applicants are now subject to completing a legal agreement requiring them to own a corner of their property to ensure that this section of the boundary remains available to maintain a suitable visibility splay.
- 4.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.

4.6 London Fire and Emergency Planning authority – The brigade is satisfied with the proposals.

4.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report AND A Phase III (Risk Management Strategy).

5. Relevant Policies

5.1 Policies CP1 (Housing supply), CP17 (Design), DC11 (Non-Designated sites), DC33 (Car parking) DC61 (Urban Design) DC69 (Other areas of Special Townscape or Special Character) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 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) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant. SPD1 - Designing Safer Places SPD, SPD3 - Landscaping SPD and SPD9 - Residential Design SPD.

6. Staff Comments

6.1 This proposal is put before the Committee due to a legal s106 agreement to secure the corner sections (South-east of The Church & south-west of No.1 Hillview Avenue) of the adjoining properties to ensure that the applicants have control to provide an unobstructed visibility splay for safer access of the cars and pedestrians for the proposed development. The issues arising in respect of this application will be addressed under the headings impact on the streetscene, amenity issues and parking and highways implications.

7. Principle of Development

7.1 Policy DC61 of the LDF Core Strategy states that development shall harness the topographical and ecological character of the site, respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context, complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

7.2 The proposal is to demolish two outbuildings being an existing garage and workshop and erection of a new dwelling. The application site is located within an existing residential area and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The detailed impacts of this planning application are considered further below.

7.3 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.

8. Design, scale and impact on street/Garden scene

8.1 The application would comprise the demolition of the existing outbuildings on the site. It is considered that the removal of the existing workshop and garage to be replaced by a single dwelling would be beneficial in appearance of the backhand area and no in principle objection is therefore raised to its demolition. The floor area of the two buildings to be demolished in total would be 130 square metres (measured externally), and would be replaced by a dwelling of 79.5 square metres external floor area which is significantly less.

8.2 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

8.3 In density terms Policy DC2 states that residential densities of this type of development in this part of the borough should be in the range of 30-65 units per hectare. The proposed development would total 29 units per hectare on this 0.034 hectare site and complies with the guidance in this policy.

8.3 The character of the surrounding area and more specifically houses along Hillview Avenue, is typified by semi-detached houses set in average sized gardens with extensive tree planting to the rear.

8.4 From a layout perspective, the existing open frontage of the plot would be retained and the existing workshop and garages demolished in order to accommodate the proposed bungalow.

8.5 Although the indicative layout is for a bungalow which would be relatively close in relation to the site boundaries (700mm from the southern boundary and 500mm from the northern boundary with the church), Staff are of the opinion that the single storey nature of the bungalow would prevent the scheme from appearing cramped and over developed on the site. The southern boundary is defined by an embankment and the railway line which has mature trees and shrub planting and would aid in maintaining an open and spacious character towards the south of the site. The proposal would be located at a sufficient distance from its western and eastern boundaries whilst the majority of the northern boundary is defined by the church's parking area.

- 8.6 Furthermore, the proposed bungalow would be set back from the edge of the highway by approximately 25 metres. For the reasons mentioned above, Staff are of the opinion that in terms of the site density and layout, the proposed bungalow would not detract from the existing character and appearance of this part of Hillview Avenue.
- 8.7 The proposed single storey nature of the bungalow in conjunction with its set back from the edge of the highway would contribute to a level of subservience and in Staff's opinion would not be more harmful to the character and appearance of the street scene compared to the existing two blocks of garages. It is considered that the indicative layout and location of the bungalow on the site is of such that it would not detract from the character of the local area and would therefore be acceptable in this instance.

9. Impact on amenity

- 9.1 The indicative position of the bungalow would be some 12m from the rear main wall of the house at No. 1 Hillview Avenue. The bungalow would however not be directly to the rear of No. 1 and as such, no back-to-back relationship exists. Given the single storey height of the bungalow, Staff are of the opinion that no adverse overlooking is expected to the bedroom window in the rear elevation of this neighbour.
- 9.2 There are no residential properties towards the south or north and the bungalow would be sited some 20 metres from the properties facing Butts Green Road to the east. The first floors of no's 1 - 7 however are non-residential and used as storage areas serving the ground floor shops. It is therefore not considered that any potential for invasion of privacy or overlooking would occur as a result of the proposed bungalow. In relation to loss of light, the indicative position of the bungalow would be approximately 5.3 metres from the western boundary with No. 1 Hillview Avenue and this separation distance from the boundary in conjunction with the limited height of the bungalow is considered to have no impact on No. 1 in terms of overshadowing.
- 9.3 No overshadowing would occur to any other neighbouring properties and it is therefore not considered that an objection could be substantiated on amenity grounds.

10. Access, highway/parking issues

- 10.1 In respect of car parking, the density matrix contained in Policy DC2 of the LDF advises that 2 to 1.5 car parking spaces should be provided where new detached houses are proposed within Hornchurch suburban areas.
- 10.2 Despite removing the existing garages, the scheme makes provision for 2

car parking spaces immediately east of the proposed bungalow. Previously, concerns were raised in respect of an insufficient turning area which would not allow for vehicles to be able to manoeuvre on the site without difficulty and vehicles would therefore not be likely to exit the site in forward gear.

- 10.3 One of the main reasons for dismissing the appeal on both planning application P1286.08, P1602.09 and the Inspector placed emphasis on the need (in accordance with the Manual for Streets) for visibility splays along the edge of the private drive. The Council's guidance is that a 2.1 metre by 2.1 metre visibility splay should be provided on each side of the access in the interest of pedestrian safety. It should be noted that there is currently visibility available at the site access however, as per the Inspector's observation in the conclusion;

'...visibility splays would be needed so as to allow emerging drivers to take proper account of people on the footway. None is provided and so the access would be unsafe. This would be contrary to Planning Policy Guidance 13 Transport. The arrangements for parking and access would be unsatisfactory.'

- 10.4 Staff are of the opinion that the current visibility relies on the absence of obstruction on land belonging to the neighbouring properties on each side of the access.
- 10.5 The applicants have stated they are willing to enter a legal agreement to obtain ownership of both corners of the adjoining sites in question to ensure they can secure the visibility splays which would be maintained for the life of the proposed development.
- 10.6 Subject to the acceptable legal agreement, staff are of the opinion that visibility splays would be suitable to take proper account of people on the footway. The appropriate pedestrian visibility can be provided and the proposal would therefore comply with Policy DC32 of the LDF as pedestrian / highway safety.

11. **The Mayor's Community Infrastructure Levy**

- 11.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The final figure is calculated at the time that reserved matters application(s) are submitted.

12. **Conclusion**

- 12.1 The current application is in outline form only, with approval sought for access, layout and scale.
- 12.2 The principle of residential development is acceptable on the site and it is considered by Staff that the access, layout and scale of the proposed bungalow in relation to the plot size is acceptable and would not be

detrimental to the character and appearance of the street scene nor would it result in an overdevelopment of the site. It is considered that the development would not have any harmful impact on the amenities of neighbouring dwellings.

- 12.3 It is acknowledged that the frequency of vehicles entering and leaving the site would not be significantly high, the satisfactory access to the site would be subject to a legal agreement to ensure a suitable visibility splay, and this would mitigate potential hazards to highway and pedestrian safety, to comply with LDF Policy DC32 which addresses the previous refusals. It is therefore recommended that planning permission would be granted SUBJECT TO LEGAL AGREEMENT set out in this report.
- 12.4 The proposal is considered to be in accordance with the aims and objectives of the National Planning Policy Framework, Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.4 and 8.2 of the London Plan and Policies CP1, CP17, DC11, DC33, DC61, DC69 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None directly arising from this application.

BACKGROUND PAPERS

The plan, application form and supporting documents were received on 7th November 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

3 October 2013

Subject Heading:

**P0010.12 – Damyns Hall Aerodrome,
Aveley Road, Upminster**

**Demolition of existing buildings and
replacement with new hanger
constructed within a landscaped
compound. The compound also to
provide all outside parking for home
based aircraft.**

(Application Received 16 April 2012)

Report Author and contact details:

**Helen Oakerbee, Planning Manager
helen.oakerbee@havering.gov.uk**

Policy context:

**National Planning Policy Framework
Local Development Framework**

Financial summary:

None

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

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

SUMMARY

Damyns Hall Aerodrome is a site in mixed aerodrome and agricultural use located to the south of Uppminster, within the Green Belt. A number of enforcement notices have been served including those in relation to unauthorised buildings and intensification in the aerodrome use, which were upheld on appeal due to adverse impact on the openness of the Green Belt.

The current application is to provide a building and outdoor area to provide light aircraft storage and includes the demolition of some existing lawful buildings on the site. Subject to conditions and legal agreement, it is considered that the proposal, although inappropriate development, would not have any greater impact on the openness of the Green Belt and that there are very special circumstances that overcome the in principle harm. On balance, it is considered that the impact on residential amenity would be within acceptable limits. It is recommended that planning permission be granted.

RECOMMENDATIONS

That the Committee notes that the development proposed could be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be up to £10,800. This is based on the creation of 540m² 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:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That there will be no more than 65 airship movements in any calendar year. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.

- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

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

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

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

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

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

3. Removal of Buildings – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the T hangers, tractor shed, barn building and shipping containers as identified on drawing numbers DHA-100 Rev A and DHA-200 are demolished and all material arising from demolition removed from the site.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

4. No parking or storage of aircraft – Except for non-home based light aircraft, visiting the site for less than a 24 hour period (or other period previously agreed in writing by the Local Planning Authority) and light aircraft parked/stored within the area shown as “parking out area” on drawing number DHA-101, no aircraft shall be parked or stored anywhere in the open air on the site. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

5. No outdoor storage – Other than light aircraft stored/parked in accordance with and as defined in Condition 4 and farm machinery required in connection with

the agricultural use of the site, there shall be no outdoor storage of any items or materials.

Reason: In order to ensure a satisfactory external appearance and prevent harm to the openness of the Green Belt, in accordance with Policies DC45 and DC61 of the Local Development Plan and the NPPF.

6. Bund and Landscaping – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the bund and landscaping has been provided in accordance with Drawing No.DHA-101. The approved bund shall be retained thereafter. 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: To ensure a satisfactory visual appearance in accordance with Policies DC45 and DC61 of the Local Development Plan.

7. Archaeology – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 and NPPF.

8. Materials - Before any of the development hereby permitted is commenced, details of the finished external colour of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

9. Maximum number of light aircraft – There shall be no more than 50 light aircraft stored on the site at any time. No other aircraft, including helicopters, shall be stored on the site, except for airships tethered overnight in whilst in use in connection with event filming/broadcasts.

Reason: In order to ensure that the activity associated with the use of the site as an aerodrome is kept within acceptable limits in the interests of residential amenity and the openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

10. Restriction on Use – The building and open parking area hereby approved shall only be used for the storage/parking and maintenance of light aircraft or agricultural machinery and for no other purpose. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: In order that the local authority may control the use of the site in the interests of visual amenity, residential amenity and openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

11. External lighting – No external lighting shall be installed on the site, except in accordance with details that have previously been submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure that lighting does not appear obtrusive or result in loss of residential amenity, in accordance with Policies DC45 and DC61 of the Local Development Plan.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. 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.
3. 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.

4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be up to £10,800. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 Damyns Hall Aerodrome is site in mixed use as agriculture, aerodrome and limousine business covering an area of approximately 48.5 hectares, located to the west of Aveley Road and north of Warwick Lane, approximately 1km south of the built up area of Upminster. The site contains a number of buildings and open areas, including:
- two grass runways;
 - open fields, some of which are used for crop production;
 - a storage/administrative building including a café for users of the site (ancillary use), offices and light aircraft storage;
 - a residential mobile home;
 - an unauthorised hanger building, subject to enforcement notice (see planning history below);
 - a “tractor shed” dutch barn building providing storage for agricultural machinery;
 - a barn building and associated yard with storage containers, used in association with a limousine business;
 - to the west of the barn building a large vegetated bund formed of hardcore, up to 6 metres in height;
 - an unauthorised area of hardstanding used as a car park (see planning history below)
 - two “T” hangar buildings used to store light aircraft.
- 1.2 The main access to the site is from Aveley Road, running alongside Damyns Hall Cottages.
- 1.3 The site is surrounded by mainly agricultural land, some longstanding commercial uses and some residential properties along the north and south of Aveley Road.
- 1.4 The site is within the Metropolitan Green Belt.

2. Description of Proposal

- 2.1 It is proposed to create an area within the site currently occupied by the limousine business for the storage of light aircraft, including a hangar building and open light aircraft storage.
- 2.2 The proposed building would cover an area of 540 square metres, being 45 metres long by 12 metres wide and with a sloping roof, 5 metres high at the front of the building and 4 metres high at the back.
- 2.3 To the front of the building would be a hard surfaced area providing access to the aerodrome taxiing areas and runways. To the west of this would be an area of grassed grid concrete providing an outdoor parking area for light aircraft. It is estimated that 35 light aircraft could be stored in this area, 15 within the building and 20 in the open area. Surrounding the building and parking area would be up to 3 metre high earth bunds, formed from the current 6m high bund, topped with soil and seeded with grass, with openings at each end providing access. Beyond the bunds would be two areas of tree planting.
- 2.4 As part of the proposal, a number of existing lawful buildings would be removed from the site:
- the barn building and storage containers used in association with the limousine business;
 - the tractor shed;
 - two “T” hangers
- 2.5 The location of the proposed hangar site is close to where the original Damyns Hall House was located and an archaeological statement has been submitted in support of the application.

3. Relevant History

- 3.1 There has been a number of planning applications and enforcement notices served in relation to the use of the site as an aerodrome which are particularly relevant to this current application. The Planning and Enforcement history in relation to the site is outlined below.
- 3.2 **Historic Use of Site** - The site was owned by a local farmer who for many years used the site for the taking off and landing of light aircraft, both for his own use, use by flying clubs and use by individual enthusiasts. The aerodrome consisted of a grass runway and a hangar building, surrounded by fields of crops.
- 3.3 There is no record of planning permission ever being granted for the use of the site as an aerodrome.
- 3.4 **Background to Enforcement Notices** - In 2005, following the death of the site owner, the land was sold. The new owner of the site contacted staff in Planning

as to possible future development of the site. He was advised that as there were no planning records that an aerodrome lawfully existed on the site, he should apply to establish the lawfulness of the use. An application for a Certificate of Lawfulness of Existing Use (Council Ref: E0005.06), with details of the historic use of the site, was submitted in early 2006. The Certificate was issued in 2007, confirming that the use as an aerodrome was lawful, but based on the information provided, limited to storage of a maximum of 15 aircraft being stored inside the existing hangar building.

3.5 In 2006, complaints were received that a new hangar building was being erected and that flying activity from the site had substantially increased. In 2007, complaints were received that helicopter flights were taking part from the site. In 2008, complaints were received that an airship was operating from the site.

3.6 In part in response to the investigation into the complaints, in 2007 and 2008 planning applications were submitted relating either to retention of buildings/intensified use or for new development:

P1861.07 - Change of use of land for the purposes of stationing 2No. mobile homes - refused 16 November 2007.

P1858.07 - Construction of car park for 125 cars to serve Aerodrome- refused 21 December 2007

P1860.07 - Change of use of land for the purposes of stationing a single portable office unit- refused 21 December 2007

P1866.07 - Change of use of land for the purposes of stationing a double portable office unit - refused 21 December 2007

P1859.07 - Change of use from agriculture to composite use including agriculture and aerodrome - refused 21 December 2007

P1871.07 – Change of use of agricultural barn for aircraft hangar and hardstanding – refused 16 November 2007

P2031.08 – Temporary stationing of three portable office units – refused 22 January 2009.

P1924.08 - Change of use of agricultural barn for aircraft hangar and hardstanding - refused 20 March 2009.

All the applications were refused under delegated powers, principally for reasons related to impact on the Green Belt and impact on nearby residents.

3.7 As a result of investigations into buildings and use of the site, a report to the Regulatory Services Committee on 18 September 2008 identified a number of planning breaches at the site and recommended enforcement action. The Committee resolved to take enforcement action as recommended.

3.8 **Enforcement Action and Appeal** - Enforcement notices were served and were subject to appeal which took place by way of public inquiry in January 2010. The appeal also dealt with the refusals of planning permission for the retention of portable office building and the hangar building, the latter of which was refused by the Regulatory Services Committee on 19 March 2009.

3.9 A Public Inquiry took place to consider the appeals with the appeal decision being issued on 8 June 2010. The Inspector decided that some aspects were unacceptable and dismissed the appeals with enforcement notices upheld, whilst a couple of the breaches were granted planning permission subject to conditions. The owner of the site appealed to the High Court in regard to some aspects of the Inspectors decision. The application was dismissed by the High Court on 10 December 2010.

3.10 **Summary of Outcome of Appeal**

Breach of Planning Control	Inspectors Decision	Inspectors Reasons	Current Status
Aircraft Hangar Building	Dismiss appeal, uphold enforcement notice with variation.	The building is not an agricultural building and therefore not permitted development. It is a substantial building that causes serious harm to the openness of the Green Belt.	The enforcement notice was altered to allow 12 months (8 June 2011) to remove the building and 18 months (8 Dec 2011) to restore the land. The hangar remains in place.
Material intensification of use of site	Dismiss appeal, uphold enforcement notice with variation	The certificate confirms that the lawful use of the land was for keeping of 15 light aircraft. The keeping of 41 light aircraft on the site is a material increase requiring planning permission. Storing aircraft in the open decreases the openness of the Green Belt. A limitation on numbers stored on the site is preferable to a limit on flight numbers.	The enforcement notice was varied to allow 12 months (8 June 2011) to reduce the number of light aircraft stored to 15 and to be stored in the lawful hangar building. Outdoor storage of aircraft continues to take place.
Siting of Residential	Allow appeal, enforcement	The mobile home is required for security	Temporary planning permission has

Mobile Home	notice quashed	purposes and therefore a temporary planning consent would be appropriate.	been granted, which expired on 1 July 2013, and limited to occupation of employees of the aerodrome.
Three portable office buildings	Dismiss appeal, uphold enforcement notice with variation	The buildings are of considerable size and have a degree of permanence and therefore they are development requiring planning permission. The buildings add to the built form of the site and reduce the openness of the Green Belt.	The enforcement notice was varied to allow 12 months to remove the office buildings. The buildings have been removed.
Café use of building	Dismiss appeal, uphold enforcement notice with variation	Agreed by parties that café use is inappropriate.	Café should only be open to aerodrome users and not members of the public
Additional Decking	Dismiss appeal, uphold enforcement notice with variation	Agreed by all parties that part of decking not authorised	Decking has been removed to comply with notice
Hardcore Car Park	Allow appeal, enforcement notice quashed	In association with the lawful use, a small car park would be necessary. Provided its size is reduced by half and suitably landscaped and car parking does not take place anywhere else, then the harm to the Green Belt is minimised.	Planning permission granted for car park, subject to scheme to reduce size by half and landscaping. Planning application reference P1242.12 submitted seeking alternate car park – currently under consideration.

3.11 A planning application (Ref. P0617.13) has been submitted for an extension to the club building. This has yet to be determined.

4. Consultations/Representations

4.1 The application has been advertised by way of site and press notice as well as notification to occupiers of nearby properties. Nine letters of objection have been received, raising the following points:-

- the enforcement notices should be complied with before any more planning applications are considered;
- further commercialisation of Green Belt land;
- use of local footpaths and other recreational space is disturbed by noise of aircraft and helicopters;
- proposal would be detrimental to the Green Belt;
- proposal would result in increased aircraft movements to the detriment of safety;
- helicopter use should be restricted;
- activity at the site has increased significantly since the ownership of the site changed;
- increased traffic using access on a dangerous bend;
- noise and loss of privacy has been caused to residents from aircraft, wing walker plane, airships, model aircraft flying and shows taking place;
- increases in flights could lead to a commercial air business being located at the aerodrome.

4.2 The Highways Authority has raised no objection to the proposal.

4.3 English Heritage Archaeology have requested a condition to provide a watching brief during construction works.

5. Relevant Policies

5.1 The National Planning Policy Framework, in particular Sections 1 (Building a strong, competitive economy) and 9 (Protecting Green Belt land) are relevant to the application.

5.2 London Plan Policies 7.15 (Reducing Noise and Enhancing Soundscapes) and 7.16 (Green Belt) are relevant to the application.

5.3 The Local Development Framework, Core Strategy and Development Control Policies Development Plan Document Policies DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities), DC32 (The Road Network), DC45 (Appropriate Development in the Green Belt), DC55 (Noise), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations) are relevant to the application.

6. Staff Comments

6.1 The main considerations in relation to this application are the principle of development, compliance with Green Belt policy including the impact upon the openness of the Green Belt, quality of the design, the need to support economic growth, impact upon residential and other amenity, the impact on the highway and whether there are any very special circumstances to allow inappropriate development in the Green Belt. The Inspectors decision in relation to the enforcement notices and refused planning permissions is considered to be a relevant consideration in the determination of the application.

Principle of Development

6.2 The use of the land as an aerodrome as part of a mixed agricultural unit is lawful and therefore development of an associated building does not raise any fundamental land-use objection. The site is within the Green Belt and this forms the principle consideration in this case. Paragraph 79 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence. The Green Belt issues are considered further below.

Green Belt Considerations

6.3 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision for appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.4 Paragraph 88 of the NPPF states that local planning authorities 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.

6.5 Paragraph 90 of the NPPF states what other forms of development would not be inappropriate. These are:

- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
- 6.6 Policy DC45 of the LDF states that planning permission for new buildings will only be granted if they are essential for agriculture and forestry, outdoor recreation, nature conservation or cemeteries. It states further that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the Green Belt environment.
- 6.7 From the above policy considerations, it is considered that the proposed building would not represent an appropriate building for outdoor recreation. The aerodrome does provide for leisure flying and the aerodrome comprises of many open areas. However, there is also a commercial nature to the operation that includes businesses that offer flying lessons and “flight experiences”. From the information submitted at the appeal, and in subsequent discussions with the aerodrome operators, the aerodrome would only be viable if there was an sufficient income stream from such commercial activities and a minimal number of aircraft are required to be stored on site in connection with this as well as offering those who fly for leisure a base to store their aircraft and undertake flights. This minimal number of aircraft is well in excess of the 15 that can currently be stored within lawful buildings on the site. The Inspector concluded from the evidence submitted at the Inquiry that “this general aviation operation is by no means exclusively an outdoor leisure activity”. It is therefore not possible to conclude that the proposed building is appropriate for outdoor sport and recreation.
- 6.8 It is considered that the proposal would not represent a replacement of a building that is not materially larger. The proposal involves the replacement of an existing building and shipping containers that are currently used for storage and workshop purposes in connection with a limousine business. However, the building is materially larger – floorspace increasing from 211 square metres to 540 square metres, volume increasing from 1118 cubic metres to 2430 cubic metres.
- 6.9 Policy DC45 requires that where there is a total redevelopment of a commercial site that there should be a substantial decrease in built form on the site. This policy has, to an extent, been superseded by the less onerous but more up to date NPPF policy that allows partial or total redevelopment of brownfield sites provided that there is no greater impact on the openness of the Green Belt. It is considered that the proposal would not meet this requirement as the extent of land taken by the proposed building and aircraft parking area is greater than

taken by the current building and yard area and includes some of the undeveloped green area surrounding the building.

- 6.10 The development includes an area of land to provide outdoor storage of aircraft. This, and the proposed building, represents a material increase in the aerodrome use of the land as confirmed by the Certificate of Lawfulness issued in 2007. Such changes of use are not included in the list of appropriate development in the NPPF.
- 6.11 For the reasons outlined above, it is considered that the development does not meet any of the policy exceptions and would be inappropriate development in the Green Belt. There would therefore need to be a demonstration of very special circumstances to outweigh the harm to the Green Belt through inappropriateness. Before considering the very special circumstances, it would be appropriate to consider other relevant considerations with the proposal, including the impact upon the openness of the Green Belt.

Impact on the Openness of the Green Belt

- 6.12 The proposed hangar building would have a floorspace of 540 square metres and a volume of 2430 cubic metres and a maximum height of 5 metres. As part of the development of the hangar building, it is proposed to demolish a number of buildings around the aerodrome site, including:
- the current building on the site of the proposed building, which has a floorspace of 212 square metres, a volume of 1118 cubic metres and a maximum height of 6.5 metres;
 - the Dutch barn building, which has a floorspace of 100 square metres, a volume of 648 cubic metres and a maximum height of 7.8 metres;
 - a large T hangar building with a floor area of 67 square metres, a volume of 172 cubic metres and a maximum height of 3.72 metres;
 - a small T hangar building with a floor area of 57 square metres, a volume of 136 cubic metres and a maximum height of 2.75 metres;
 - a number of containers and shed buildings around the current limousine business building totalling 140 square metres in floor area and 365 cubic metres in volume.

All these building are considered to be lawful. There is a large silver hanger building on the site, but this is subject to an enforcement notice requiring its removal and does not form part of the assessment of openness in this case.

- 6.13 On a pure numerical assessment, there would be a decrease of 36 square metres in the total floorspace of buildings on the site (from 576 to 540 square metres) and 39 cubic metres in the total volume of buildings (from 2439 to 2430 cubic metres). There would therefore be a slight decrease in the total amount of built form on the site.
- 6.14 The Dutch barn and T hangar buildings stand within quite open parts of the site and their removal would improve the openness of the respective parts of the site. The building used for the limousine business and the area around it is fairly

untidy, including containers and other open storage. The 6 metre high bund formed mainly of hardcore as well as material from the former Damyns Hall which stood on this site further detracts from the openness of this part of the site. In terms of the impact of the proposal on the openness of this part of the site it is considered relevant that the proposed building would not be as high as the building it replaces, that the bund would be reduced in height and its appearance improved by adding a topsoil layer and grass seed. It is also considered that the aircraft storage would largely be obscured from views due to the bund. Compared to the current part of this site it is considered that the impact on the openness of the Green Belt would not be significant. Associated with improvements to openness of the site elsewhere, overall it is considered that the proposal, subject to conditions requiring removal of buildings from the site and restricting storage of aircraft to the proposed area, would improve the openness of the Green Belt.

Design Considerations

- 6.15 The proposed building would be of a fairly low profile and with external materials of sheet metal and large sliding doors, the finished colour to be agreed and subject to condition. The building would appear similar to many modern agricultural buildings and would not look particularly out of place, particularly given the current state of the building and land on which it would be placed and the proposed bund and landscaping to be provided.
- 6.16 The proposed design is considered to be acceptable, in accordance with Policy DC61.

Economic Considerations

- 6.17 Paragraph 19 of the National Planning policy Framework states that significant weight should be placed on the need to support economic growth through the planning system. The application has been submitted in response to enforcement action against unauthorised hangar building and outdoor storage of aircraft. The number of aircraft based at the aerodrome is currently around 42. If this number was to be reduced to the 15 required by enforcement notices, it has been argued by the applicant that this would seriously affect the ability of the aerodrome to operate as a going concern with consequent loss of employment. The applicants have stated further that the aerodrome has become a popular local attraction for those interested in aviation and that the aerodrome supports the annual Military Show and that its loss would be detrimental to the local area.
- 6.18 It is considered that some weight can be given to these considerations, although they are not determinate in this case.

Impact on Residential and Other Amenity

- 6.19 The proposed building and outdoor aircraft storage would be situated a minimum of 385 metres from the nearest residential property at Damyns Hall Cottages. At this distance, there would be no significant noise issues from the operation of aircraft or undertaking maintenance in the building or the area to the front of it.

- 6.20 The proposal would result in an increase in the number of aircraft that can be based at the aerodrome – rising from 15 to a maximum of 50. This would be likely to increase the levels of comings and goings in vehicles to/from the property. The access road into the site is a minimum of 17 metres from the nearest house, although it does run nearer to the garden area of 1 Damyns Hall Cottages. Given that most comings and goings would be during the day and that the existing Aveley Road is relatively busy, the increase in disturbance caused by more vehicles accessing the site is not considered to be significant.
- 6.21 Noise from light aircraft can be disturbing, mostly noise when the aircraft is on the ground about to take off. Light aircraft flying overhead further away from the aerodrome are not considered to cause significant noise disturbance. Training of pilots may involve circuits where planes land and take off again immediately, circle the airfield to land again but it appears that this type of flying activity has taken place since the aerodrome has been in use. There is a wing walking plane based at the aerodrome which flies at low level around the aerodrome site and causes some disturbance, although it is only used occasionally. At times over the last few years, helicopter “experience” and tour flights have been based at the aerodrome with helicopters hovering over the site and/or flying low around the surrounding areas. At busy times, this has resulted in complaints being received. Also in the past commercial airship tours of London have taken place from the site with a large airship based at the site for the summer and flying in low when taking off/landing. More recently an airship that supplies images for broadcast has been parked overnight during major events in London, although this has attracted few complaints.
- 6.22 This issue of noise was discussed at the appeal with the Council arguing that the use of the site by helicopters and airships was not lawful as the Certificate referred to “light aircraft” and that the use by helicopters and airships caused the most disturbance. The appellants argued that airships and certain helicopters fell within the definition of light aircraft and could legitimately use the site. The Inspector, perhaps because he felt he did not have to, did not conclude either way on the issue of the lawfulness of helicopter and airship use of the site. The Inspector concluded that a limitation on the number of aircraft on the site was the most effective control. The Inspector considered that good neighbourliness could solve many of the issues – e.g. using the north-south runway more often and taxiing to a point further from the houses before take-off. However, the Inspector considered that such practices were difficult to enforce through planning conditions and also considered that a limit of the total number of flights would be difficult to enforce. At the appeal, the appellants submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act, obligating them to set up a consultative committee which would instigate a complaints process to bring matters to the aerodrome operators. Although there was no restriction on this obligation coming into effect (e.g. dependant on appeal being allowed), the consultative committee has not been set up.
- 6.23 In the case of the present application the proposed building and aircraft storage would be closest to the north-south runway. Aircraft using this runway would take off away from any residential properties and therefore there could be less

disturbance from light aircraft to the nearest residential properties, although it would be difficult to require aircraft to use this runway as it would depend on wind direction. There would be the potential for more aircraft movements as there would be the ability to have more aircraft on site.

- 6.24 In negotiation with the aerodrome owners, rather than the possibility of further lengthy enforcement action which could be unsuccessful for either side it has been suggested that if the majority of helicopter movements could be controlled, this would go some way to addressing noise issues and could allow some additional aircraft (light aircraft) to be stored at the site. In this regard the applicant has agreed to limit the maximum number of helicopter movements to five in any week. This would ensure that experience flights and hovering above properties is minimised. The applicant has also agreed to limit airship movements to a maximum of 65 in any year, which again should limit any experience flights to a short period or enable the airship that covers major events (and causes little or no disturbance) to continue to use the site. These controls would not apply when events are taking place at the site – under planning legislation the site can be used for up to 28 days in any year for temporary uses. The applicant has also agreed to the setting up of the consultative committee. These requirements would be secured through a S106 legal agreement.
- 6.25 On balance, with the legal agreement, it is considered that the degree of additional noise and disturbance as a result of more aircraft being stored on the site is not so significant as to warrant refusal of planning permission, although Members would be entitled to take a contrary view. A Condition is recommended to that limits the total number of aircraft stored at the site. It is suggested that this be 50, 15 that can currently be stored in the lawful hanger/club building and 35 in the proposed building/outdoor storage area.

Highway Impact

- 6.26 As a result of the proposal, there would likely be an increase in vehicle movements using the access on Aveley Road. The Highways authority have not raised an objection to the application, although objections have been received that the access to the site is on a dangerous bend in the road.
- 6.27 The issue of the safety of the access was examined at appeal, with the Inspector agreeing with the appellant's highway witness who considered that the visibility for emerging traffic at the junction with Aveley Road is good.
- 6.28 The proposal would not result in a significant increase in traffic and therefore it is considered that there are no highway safety concerns.
- 6.29 At appeal, planning permission was granted for a car park, but subject to it being reduced in size and landscaping being provided. A current planning application (P1242.12) seeks to amend this permission to provide an overflow area to provide additional parking if necessary. The car park application is, to an extent, dependent on this present application as it would influence the size of car park required. Therefore the car park application would be considered subsequent to any decision on the present application. On the basis of the car

park application there would be at least 32 parking spaces available in the car park, although parking can take place elsewhere on the site.

- 6.30 It is considered that the site has sufficient space to accommodate any additional parking demand arising from the proposal.

Very Special Circumstances

- 6.31 Having established that the proposal represents inappropriate development in the Green Belt. It now needs to be considered whether there are any very special circumstances that outweigh the harm to the Green Belt.
- 6.32 As concluded above, the proposal has a limited impact on the openness of the Green Belt. Some isolated buildings would be removed from the site and the openness from many vantage points would be improved. This is considered to carry significant weight in favour of the development.
- 6.33 The existing limousine business area which includes a high hardcore bund, tired looking building, containers and open storage would be improved with the new building, bund, landscaping and open aircraft storage area. This is considered to carry significant weight in favour of the development.
- 6.34 The retention of employment at the aerodrome and provision of an attraction in the Borough carries some limited weight in favour of the development.
- 6.35 The introduction of additional controls over helicopter and airship movements carries some limited weight in favour of the development.
- 6.36 Taking all the above factors into consideration, and in particular that the proposal does not affect the openness of the Green Belt to any significant degree, it is considered that in this particular case there are sufficient very special circumstances to outweigh the harm to the Green Belt through inappropriateness.

Other Activities Taking Place at the Site

- 6.37 There are other activities taking place at the site which are currently being investigated or monitored. These include a number of events that are taking place under the 28 day temporary use permitted development. There is a model aircraft club based at the site which would require planning permission. No application has been submitted to date. Temporary planning permission granted for the mobile home on the site has recently expired and the applicants have been informed that a planning application should be submitted if this is to be retained on the site.
- 6.38 None of the above are considered either to influence the outcome of, or prevent a decision being made on, the current application.

7. Mayors Community Infrastructure Levy

- 7.1 The proposal includes new buildings totalling 540 square metres. As the buildings to be demolished are more than this, it is possible that no CIL would

be payable, but this depends on whether the buildings have been in use for the 6 months preceding the commencement of the development. In the circumstances, an informative should be added that up to £10,800 CIL may be payable.

8. Conclusion

- 8.1 In conclusion it is considered that the proposal, although inappropriate development, would not have any greater impact on the openness of the Green Belt and that there are very special circumstances that overcome the in principle harm.
- 8.2 Whether the proposal, which would likely result in increased aircraft movements from the site, would cause unacceptable increase in noise disturbance is a matter for judgement for Members. It is considered that the lawful aerodrome use does cause some disturbance, but that the position of the additional aircraft storage area (including hangar) close to a less disturbing north-south runway, the establishment of a consultative committee and limitations on helicopter and airship use of the site does satisfactory limit any increase in noise and disturbance.
- 8.3 It is considered that the proposal accords with the relevant national, London Plan and local planning policies identified in this report. It is recommended that planning permission be granted, subject to legal agreement and conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None

Equalities implications and risks:

None

BACKGROUND PAPERS

Application forms, plans and supporting documents

Appeal Decision References APP/B5480/C/09/2096896, 2105342, 2105343, 2105344, 2105346, 2105347, 2105348, 2105349, APP/B5480/A/09/2100488 & APP/B5480/A/09/2101867

REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:

P0839.13 – Service House, 37 Manor Road, Romford

The demolition of existing office building and the redevelopment of the site to provide a 4-/5-storey block with 42 residential units with associated parking and amenity space (Application received 8th July 2013; revised plans received 19th September 2013)

Report Author and contact details:

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

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

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

SUMMARY

This planning application is a resubmission following a recent refusal and relates to the demolition of the existing office building and the erection of block of 42 flats on 4-/5-storeys with parking and amenity space. The planning issues include the principle of development, design and impact on visual amenity in the street scene, impact on residential amenity, sustainability and affordable housing, parking and highway matters. These issues are set out in detail in the report below. Staff do not consider, as a matter of judgement, that the current scheme overcomes previous refusal reasons and consider that the proposal remains unacceptable.

RECOMMENDATIONS

That it be noted that proposed development is for a fully affordable housing scheme. The development is not liable, nonetheless it is for the applicant to claim for relief from the Mayor and the CIL amount is calculated at £20 per sq.m. In this case, CIL amount is calculated at £20 per sq.m: 3,529sq.m - 1,200 sq.m = 2,329sq.m giving a CIL figure of £47,580 (subject to indexation) for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

That the proposal is refused for the following reasons:

1. The proposed development would, by reason of its height, scale, obtrusive bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
3. The proposal would, by reason of an unacceptably excessive increase in traffic activity, result in harm to the living conditions of existing nearby residents through noise and congestion contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
4. The proposal would, by reason of its design, including its form, external appearance and layout, not be of a sufficiently high quality of design and layout as to justify the excessively high density proposed, contrary to Policies DC2, DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.

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

REPORT DETAIL

1. Site Description

- 1.1 While the application site address is in Manor Road, the site itself is located to the southern side of Rushdon Close. The site comprises a 3-4-storey office building with ancillary parking. There is an access drive which exits onto Rushdon Close near its junction with Manor Road. The building on site is at the highpoint of the area, ground levels fall significantly across the site from west to east and ground levels surrounding the site are significantly lower in Rushdon Close but only slightly lower to Manor Road and to the south of the application site. The site area is 0.28 hectares.
- 1.2 To the east of the application site is a recently completed 5-storey residential block with houses/flats further to the east adjacent to the railway line and on the opposite side of Rushdon Close. To Manor Road are mainly semi-detached two-storey housing and there are 3-storey flats to the south in Marwell Close.

2. Description of Proposal

- 2.1 The application is a resubmission following refusal in March this year (planning reference P1070.12) and seeks planning permission for the demolition of the existing office building on the site and its replacement with a 42-unit flatted (as previously) block of 4/5-storey (previously 5/6-storey) height with ancillary parking and amenity space.
- 2.2 The proposal would be entirely for affordable housing and comprises 18x1-bed, 20x2-bed and 4x3-bed flats (previously 7 x. 1- bed flats, 23 x 2-bed flats and 12 x 3-bed flats). The development would provide parking at surface level to the east of the building accessed from the existing access road with underground parking with a new access directly from Rushdon Close) totalling 63 spaces.
- 2.3 The affordable housing would be split between shared ownership – 26 (previously 19) units and affordable rented – 16 (previously 23) units. There would be two separate entrances for each section with the entrance for the former being to the western elevation and that for the latter to the southern elevation.

- 2.4 The proposed flatted block would be L-shaped and have maximum measurements of 34.95m (previously 34.6m) wide and 40.95m (previously 41.4m) deep (taken from Rushdon Close) with flat roofs with a height above ground level varying, due to the sloping ground levels across the site, nonetheless the maximum height would be 16m (previously 18.5m) above the existing lower ground level. In relation to the existing higher level the proposal would be 12m above ground level.
- 2.4 The two lower ground floor flats (west wing) and the two ground floor flats (east wing) would have a private garden area each with the other flats sharing a communal amenity area to the rear of the application site of 250sq.m (upper deck) and 180 sq.m (lower garden area). Balconies would be provided to each flat.
- 2.5 It is proposed to provide 25 surface parking spaces to the ground level with cycle storage and a turning head at the end of the existing access drive with 38 parking spaces and further cycle storage under the building/under the proposed amenity deck area.
- 2.7 Other documentation submitted with the application is as follows: Transport Statement, Contamination Assessment, Habitat Survey, Arboricultural Impact Assessment, Flood Risk Assessment and Drainage Strategy Report, Energy Assessment Report, Code for Sustainable Homes Report (Pre-assessment) and Planning Statement together with the Design and Access Statement.

3. Relevant History

- 3.1 P0387.11 Part change of use from B1 to D1 (basement, ground and first floor), restricted to health centres, non-residential education and training centres – Approved 29-07-2011
- 3.2 P1070.12 Demolition of existing building and erection of 5-/6-storey block containing 42 flats with ancillary parking and amenity space – Refused 06-03-2013 for the following reasons:
1. “ The proposed development would, by reason of its height, scale, obtrusive bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 2. The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
 3. The proposal would, by reason of an unacceptably excessive increase in traffic activity, result in harm to the living conditions of existing nearby

residents through noise and congestion contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

4. The proposal would, by reason of its design, including its form, external appearance and layout, not be of a sufficiently high quality of design and layout as to justify the excessively high density proposed, contrary to Policies DC2, DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
5. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the Havering Planning Obligations Supplementary Planning Document.”

4. Consultations/Representations

4.1 Notification letters were sent to 128 neighbouring properties, a site notice was posted and a press notice was placed in a local paper. There were 10 replies received raising objections to the scheme as follows:

- This is an elevated site which means that the development which will be the tallest in the area will appear even taller
- There is a waste water problem and the pumping station will not be able to cope with more dwellings
- Loss of privacy/overlooking
- Loss of light
- Unacceptable increase in noise
- Loss of value of surrounding properties
- Noise, disturbance, dirt, inconvenience etc. during the construction phase
- Occupiers of this block may not be suitable to existing occupiers
- Flats are not in character with the existing Victorian dwellings to Manor Road
- Children will have nowhere to go and will therefore be a problem
- The building will be an eyesore
- The quiet Victorian ideal is being destroyed
- It is not fair to have such a long period of building works in one place
- The building will not be big enough for the proposed occupiers
- Overdevelopment/overpopulated area
- Unacceptable increase in volume of traffic

4.2 Councillor Michael White has written to object to the scheme on the grounds that the proposal would be bulky and dominate the streetscene, adversely affecting the amenity of existing occupiers and that the area cannot absorb a further 135 people.

4.3 Councillor Andrew Curtin has written to object to the scheme on the grounds that there would be exactly the same number of new residential properties as the recently refused scheme, that there would be harm to the living conditions for existing nearby residents because of noise and congestion

caused by an unacceptable increase in traffic activity related to the 63 parking places, that the proposed scale, bulk and mass has not been reduced sufficiently, there are insufficient school places in the locality and there is also a lack of outdoor public space which the proposed development fails to address.

- 4.4 The Council's Environmental Health Service request a part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.
- 4.3 The Highway Authority has no objection to the proposals as parking meets the required standard.
- 4.4 The Borough Crime Prevention Design Advisor has asked that a Secured by Design condition is attached to any approval.
- 4.5 Thames Water indicate that they have no objections with regard to sewerage infrastructure. In relation to surface water drainage they remind the developer that they need to make proper provision and that their prior approval is needed for any connection to a public sewer.
- 4.6 The London Fire and Emergency Planning Authority indicate that either the access should meet 16.3 of Volume 2 of the Building Regulations documents or a dry rising fire main should be provided. This would need to be resolved through the Building Regulations.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC53 (land contamination), DC55 (noise), DC60 (trees and hedges), DC61 (urban design), DC63 (crime), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents, Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies: 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential Developments), 3.8 (Housing Choice), 3.11 (Affordable Housing Targets), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.3 (Community Infrastructure Levy) of the London Plan

(2011) and the Mayor's Supplementary Planning Document on Residential Design (November 2012).

- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

Background

Members will be aware that a similar planning application (P1070.12) appeared on a Regulatory Services Meeting agenda earlier this year. Officers recommended approval subject to a legal agreement and conditions, nonetheless after Members debated the application at some length they decided to place different judgement on the arising issues such that the scheme was unacceptable and decided to refuse the scheme for the refusal reasons listed under Paragraph 3.2 above. Members will need to consider whether the current application overcomes the refusal reasons to the degree that planning permission can be granted.

6. Staff Comments

- 6.1 The main issues to be considered are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The site does not lie in a designated area and, in line with Policies CP1 and DC11 (non-designated employment land), the redevelopment of the land for residential is considered to be acceptable in principle in land use terms. The provision of additional housing is consistent with the National Planning Policy Framework (NPPF).
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks (reiterated in the SPD) should incorporate minimum space standards. The Mayor has set these at 86m² for a 3 bed 5-person flat; 74m² for a 3 bed 4-person flat, 70m² for a 2-bed 4-person flat, 61m² for a 2-bed 3-person flat and 50m² for a 1-bed 2-person flat. All the proposed flats would be in line with these minimum guidelines and are considered acceptable.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The site is presently occupied by an office block. Previous commercial sites closer to the railway line have now been replaced by housing development with the existing use of the land for commercial purposes being somewhat out of character. The proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the

surroundings. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.

- 6.2.5 As the site/surrounding area has a history of commercial use and the Contaminated Land Report submitted by the applicant confirms, land contamination is present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted.

6.3 *Density and Site Layout*

- 6.3.1 The application site is ranked as being within a low Public Transport Accessibility Level Zone (PTAL 1-2), with the density range of 30-50 units per hectare (200-250 habitable rooms per hectare). The proposed development of 42 units (112 habitable rooms) on the 0.28ha site represents a density of 150 units (400 habitable rooms) per hectare. This is considerably above the recommended density range but may not be unacceptable given that flatted development is normally of higher density. While the advised density ranges are only one of a number of criteria employed to assess the appropriateness of a proposal and it is the overall quality of the development and its layout which is of greatest importance, Members previously considered that the density proposed (which has not changed) was unacceptable.

- 6.3.2 In terms of site layout, the proposed development has a larger overall footprint than the existing office building. It would have a similar appearance to the adjoining flatted block and would mirror its L-shape with the amenity areas appearing joined up.

- 6.3.3 There would be a communal amenity space with the flats all having either access to a private garden area or balcony. Staff therefore consider the development to have a reasonably spacious setting.

- 6.3.4 It is proposed to provide units to Lifetime Homes standards with 4 to wheelchair accessible standards in order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes.

6.4 *Design and Visual Impact in the Streetscene*

- 6.4.1 In considering the previous 5-/6-storey scheme (P1070.12), a refusal reason was as follows: "The proposed development would, by reason of its height, scale, obtrusive bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD."

- 6.4.2 There are two main differences between this and the recently refused scheme: firstly the scheme has been reduced to 4-/5-storey which means that it is no longer high enough to be considered under the Tall Buildings

Policy and secondly, while the number of flats has remained the same, there has been a significant shift from larger to smaller flats, for example the number of 3 bed flats has decreased from 12 to 4 and the number of one-bed flats has increased from 7 to 18. The scheme retains its five-storey element to the northern section while the western wing drops a floor from 5- to 4-storeys resulting in the removal of the 6-storey core which connected the two sections which are on two different levels. The flat roof now extends across the whole of the top floor and the set-back penthouse accommodation has been removed.

- 6.4.3 There is a significant slope across the application site with the existing building, Service House and its parking area, being located at the highest point in the locality. Rushdon Close has been cut down to the railway line, between properties in Manor Road such that it is significantly lower than natural ground levels which rise from Manor Road to the application site then fall sharply down to Rushdown Close itself. As such, from the highest ground level adjacent to the west wing of the building, the building would be on 4-storeys with a maximum height of 12m. The other section on 5-storeys fronting onto Rushdon Close would be located on the lower ground level and would have a maximum height in relation to this road of 16m above ground level.
- 6.4.4 It should be noted in considering this application that the office itself has failed to find a suitable tenant for some years and this proposal would remove this building, replacing it with much needed residential development, as has happened in Rushdon Close generally over the last 10 years where commercial development has been replaced by residential.
- 6.4.5 The proposed 4-/5-storey building replaces an existing 3-/4-storey office building and would be directly adjacent to an existing 46-unit flatted residential block which is itself on 5-storeys. The existing block is also L-shaped and the proposed development would mirror this part of the former The Build Centre development such that its shallower section would be adjacent to the shallower section of this building with the deeper section at the outer extent creating a similar two-level amenity courtyard area to the rear with parking underneath the decked area and matching each other for height above ground level. The proposed block's section fronting onto Rushdon Close would be 16m high, i.e., the same height as the existing adjoining flatted building's 16m height above ground level.
- 6.4.6 Staff consider that the scale, the proposed height and the building's relative height due to this being a high point in the locality and bulk of the building and its highly visibility from Rushton Close and that it would be visible from longer views in Manor Road, would result in it being an unacceptably dominant and visually intrusive feature in the streetscene. Staff do not consider that the refusal reason relating to harm in the streetscene has been overcome by the current proposal.

6.5 *Rear Garden Environment*

- 6.5.2 A second refusal reason in relation to the recently refused scheme is as follows: “The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.”
- 6.5.3 The proposed eastern flank elevation facing the adjoining 5-storey flatted building would be located between 3.25m and 6.45m away (previously just over 3m away) from the 5-storey block. Staff consider that the proposed building would not appear overly dominant as it would be of a similar depth adjacent to this block and, while there are windows in the side elevation, the main outlook from these existing flats is to the front (onto Rushdon Close) and rear (their own amenity space). In addition, the proposed rear landscaped deck would be located at the same relative height and distance away from the building as exists at the recently constructed 5-storey flatted development.
- 6.5.4 In relation to the existing mainly 2-storey properties in Manor Road, the proposed 4-storey west wing would replace the existing 3-storey office block (as viewed from these properties). The west wing is proposed to be located some 53m (excluding balconies) from the existing rear elevations of the Manor Road properties; a similar distance away as the existing office block. Staff consider that at this distance the proposed additional floor would not appear overbearing or overly dominant in the rear garden environment. As the building would be located to the east/north of properties fronting Manor Road at the junction of Rushdon Close, Staff consider that it would not result in any significant loss of light or overshadowing to these properties and that the amended scheme would overcome the concerns raised in the refusal reason in this respect.
- 6.5.5 In relation to the existing 3-storey flatted block properties on the opposite side of Rushdon Close, the proposed building would be to the south. Nonetheless given that it would be on the opposite side of the road way and that the nearest point of the new building would be 24m away, it is not considered that the proposed building would appear out of character.
- 6.5.6 In relation to the existing 3-storey flatted properties to the south of the application site in Marwell Close, the proposed building’s west wing would be approximately 16.7m (previously 16m) away from this existing building’s nearest point. This remains significantly closer than the existing building, Service House. The current scheme is for a 4-storey element to this elevation rather than the originally proposed 5-storey building, nonetheless it would be a storey higher than the existing 3-storey office building and its 12m height would be located 1.6m from the shared boundary. While this part of the proposed building would have a similar width as the existing Service House and there is an intervening boundary tree screen within the

Marwell Close flats' grounds, Staff consider that the proposed development would not, as a matter of some judgement, overcome the previous refusal reason relating to impact in the rear garden environment. This is a matter of some judgement and Members may wish to place different weight on this element of the scheme.

- 6.5.7 Staff consider, given the earlier refusal reasons and that the scheme would be a single block of approximately 16m in height and just under 35m in width to Rushdon Close and nearly 41m deep extending into the application site on 4-storeys with no setback at the highest level and close to the boundary with existing flatted developments, that the current proposal would continue to represent a bulky and overly dominant development such that it would have an adverse impact on the rear garden environment and the residents' outlook. This matter has required significant judgement and Members may consider that the overall changes to the proposal are sufficient that it overcomes this earlier refusal reason, particularly given that the existing adjoining block is of the same height and of a similar scale to that now proposed.

6.6 *Impact on Residential Amenity*

- 6.6.2 There were two refusal reasons in relation to the earlier scheme which are relevant to consideration of residential amenity impact: "The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD." And, "The proposal would, by reason of an unacceptably excessive increase in traffic activity, result in harm to the living conditions of existing nearby residents through noise and congestion contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD."
- 6.6.3 Excluding the newly constructed flatted development, the nearest residential properties would be the flatted blocks to Marwell Close which would be approximately 16m from the proposed west wing. There are currently windows to all the elevations of the existing Service House building. It is proposed to have balconies and a landscaped deck area. While the proposed balconies would be closer to the Marwell Close flats than these existing windows and would be to residential rather than office accommodation, Staff consider that as windows have been removed and that there would be no principal windows in the elevation facing the Marwell Close flats and that as the scheme has been reduced from 5-storey to 4-storey, that at a distance of 16.7m away, there would be no significant loss of privacy as a result. The proposed block would be located to the north of these flats and there would be no loss of light or overshadowing from the proposed development. This is a matter of judgement on which Members may place different weight.

- 6.6.4 The properties to Manor Road will be located over 50m from the proposed development (14m from the rear boundary fences). While the block will be visible from the rear elevations and gardens of these properties Staff consider that at this distance the proposal's reduction from 5-storey to 4-storey to the west wing with a maximum height reduced to 12m above ground level that it would not appear visually intrusive or adversely affect outlook. The balconies to the west wing facing the rear of properties in Manor Road would be located a minimum of 12m from the nearest rear fence; a similar distance away as existing windows to Service House. Staff therefore consider that no undue loss of privacy or overlooking would occur as a result.
- 6.6.5 The properties on the opposite side of Rushdon Close would be located approximately 24m away from the proposed building. Staff consider that as the proposed building would be wider and taller than the existing Service House and located to the south of these existing properties, that there would be likely to be some loss of direct sunlight. Nonetheless Staff consider that as the proposal would not affect direct sun-light in the afternoon or evening and probably not at all during the summer months, that there would be no significant loss of light to these occupiers. There would be windows and balconies to the elevation fronting onto Rushdon Close and a new pedestrian entrance/vehicular access would be formed to the proposed under building car park area. At a distance across a public highway where noise and activity would be greater than to the rear of the flatted block and at a distance of 24m, Staff consider that there would be no undue loss of residential amenity to these existing occupiers.
- 6.6.6 Windows would be located in the east wing's elevation facing the existing, newly built flatted block at a distance of between 3.25m and more than 6m (previously 3m) away. The existing block has a series of secondary windows to bedroom (ground floor) and kitchen areas (2nd - 4th floor) and secondary bedroom and a primary window to a small bedroom at 5th floor level. Staff consider that while most windows to the proposed development would be secondary and could therefore be fitted with obscure glazing, there is a window to a habitable room (bedroom) on each floor. Except on floor 5, these windows would be opposite the kitchens of the existing block and Staff consider that a degree of interlocking would occur; nonetheless it is considered that given the arrangement of windows this would be at an oblique angle and that this would not result in a substandard of accommodation for either proposed or occupiers of the recently completed development. At the 5th floor level the proposed three windows would be located further away at just over 5m and could be fitted with obscure glass and fitted with restrictors to prevent any undue loss of privacy. This is a matter of judgement and Members may place different weight such that they may consider that the outlook of the existing flats would be unduly compromised.
- 6.6.7 The second refusal reason relating to residential amenity was that there would be an unacceptably excessive increase in traffic activity such that it would result in harm to the living conditions of existing nearby residents by

reason of noise and congestion. The most affected neighbouring occupiers would be those fronting onto Rushdon Close where a new pedestrian entrance/vehicular access would be formed to the proposed under building car park area opposite existing flats. The current proposal would result in the same number of car parking spaces, i.e., 63 which is the minimum requirement of Annex 5 of the LDF range 1.5-2 parking spaces per unit. It should be noted that although the number of spaces would be the same as previously it is likely that numbers of trips may be lower as the current scheme involves smaller units whereas the refused scheme has 12x3-bed units and 23x2-bed units (81% of the total), the current proposal has 4x3-bed and 20x2-bed (57% of the total) with the remainder of the units being 1-bed (23% of the 42 flat total) with 30 less habitable rooms and accommodation for 31 less people than the refused scheme. Staff nonetheless consider that the same number of parking spaces would be provided as previously, and although there would be likely to be a reduction in the number of trips made reducing car-borne traffic noise and congestion, that that the amount of traffic would remain significant and adversely impact on the living conditions of nearby residents. However this is a matter of judgement and Members may place different weight on this issue and decide that the proposed trip generation and therefore noise and disturbance level would be acceptable in terms of its impact on existing residential amenity.

6.7 *Sustainability/Renewables*

- 6.7.1 The proposed development is considered capable of gaining Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. In the event that Members were minded to grant planning permission this could be secured by condition to ensure the development attains this standard.
- 6.7.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO2 emissions is met.

6.8 *Highways / Parking Issues*

- 6.8.1 The existing access into the site would be retained and a new vehicular/pedestrian access to be formed from Rushdon Close. This is considered to be acceptable, and meets the access and servicing needs of the development.
- 6.8.2 The development proposes a total of 63 parking spaces, which is a ratio of 1.5 spaces per unit overall. The application site is located in a low PTAL area (PTAL 1-2) where the expected parking provision range is 1.5-2 spaces per unit. In view of this, the proposed parking provision is considered

to be within the acceptable range and would accord with the density matrix in Policy DC2.

6.8.3 The proposal includes cycle storage provision for the flats in the parking area at lower ground floor level. This would accord with Policy DC36 and would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site, that the parking provision is acceptable.

6.8.4 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of a refuse storage enclosure in the parking area at ground level and near the entrance at lower ground floor level which are considered suitable. A suitable condition could be attached to require provision.

6.9 *Affordable Housing*

6.9.1 The proposal results in development for which an affordable housing contribution is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has indicated that the proposal would be for 100% affordable housing with 100% Council nomination rights on the rented properties (which comprise 27 of the 42 proposed dwellings). This is considered to be acceptable and in accordance with Policy DC6.

6.10 *The Mayor's Community Infrastructure Levy*

6.10.1 The proposed development is for a fully affordable housing scheme may not be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. Nonetheless it is for the applicant to claim for relief from the Mayor and the CIL amount is calculated at £20 per sq.m. In this case, 3,529sq.m - 1,200 sq.m = 2,329sq.m giving a CIL figure of £47,580 (subject to indexation).

6.11 *Planning Obligations*

6.11.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £252,000. The applicant has agreed to the payment of this planning obligation, nonetheless in the absence of a mechanism to effect this, a refusal reason is again included.

6.12 Other Issues

6.12.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions and an informative requested by the Borough Crime Prevention Design Advisor.

7. Conclusion

7.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is considered to be unacceptable for the reasons given in the report and refusal is recommended. Nonetheless significant judgement has been made on a number of issues and Members may place different weight on these and consider that the proposal overcomes the refusal reasons put forward in relation to the previous scheme (planning ref. P1070.13). If planning permission is forthcoming, a financial contribution towards infrastructure costs would be required.

IMPLICATIONS AND RISKS

Financial implications and risks:

If planning permission is forthcoming, financial contributions would be required through a legal agreement

Legal implications and risks:

Legal resources would be required, if planning permission is granted, to prepare and complete any legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be 100% affordable with those for rent being allocated for Council tenants and the building would be constructed to meet the Lifetime Homes Standard with some capable of adaptation to wheelchair units which means that they would be available to those in housing need and be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 8th July 2013, revised plans received 19th September 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:

**P0640.13: Corbets Tey School,
Harwood Hall Lane, Upminster**

**New staff car park with vehicular
access off Harwood Hall Lane and 2m
mesh fence to perimeter. (Application
received 14th June 2013)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

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

SUMMARY

The proposal is for the construction of a new staff car park with a new access off Harwood Hall Lane and perimeter fencing. The proposal is for a semi-permanent

perforated surface to be laid on a currently grassed area to the east of the site. The proposed car park is to help alleviate the growing demand for parking at the school site from parents and specialist staff.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted.

RECOMMENDATIONS

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

1. SC04 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. SC32 In 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.

3. SC62 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.

4. NSC03 External Lighting - There shall be no external lighting within the site unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

5. Land Contamination - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing and the requirement to use only approved and tested site derived soils and/or imported soils in addition, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy requirements of BS3882:2007 "Specification of Topsoil".

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

6. Vehicle route details - Notwithstanding the approved plans, before the hereby approved development commences a detailed layout plan shall be submitted to and approved in writing by the Local Planning Authority showing the proposed vehicle routes across the site with access to the parking spaces to be provided, thereafter only the approved vehicle routes shall be used in accessing and leaving the approved car park.

Reason: To ensure that the trees on the site are not damaged through the operation of the approved car park, in accordance with policies DC60 AND DC61 Development Control Policies Development Plan Document Policy

7. Tree Protection Details - Notwithstanding the approved plans, before the hereby approved development commences a detailed layout plan and details shall be submitted to and approved in writing by the Local Planning Authority outlining the tree protection details for site during both the construction and operation of the proposed car park. Thereafter, the car park shall be constructed and operated in accordance with the agreed details.

Reason: To ensure that the trees on the site are not damaged through the construction operation of the approved car park, in accordance with policies DC60 AND DC61 Development Control Policies Development Plan Document Policy.

8. Hours of use - The car park shall not be used for the purposes hereby permitted other than between the hours of 06.00 and 20.00 on Mondays to Fridays, with no use on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

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

INFORMATIVES

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 practice and submitted to the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Development Control Policies Development Plan Document Policy DC53.

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

3. 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.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has

been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site is Corbets Tey School, which is located on the north side of Harwood Hall Lane, some 65m west of its junction with Corbets Tey Road. The school is situated within the Metropolitan Green Belt and partially within the Corbets Tey Conservation Area, which extends across the northern part of the school grounds.

- 4.2 The school has a single storey timber clad swimming pool extension, which is situated to the east of the main school building. There is parking to the school frontage and grassed playing fields to the north of the school buildings. To the east of the main school building is a sensory playground. There are a number of large trees within the school grounds, in particular to the eastern site boundary, some of which are subject of a Tree Preservation Order.

- 4.3 The site is adjoined to the north and west by open Green Belt land. To the east of the site lie residential dwellings, which front on to Harwood Hall Lane or Londons Close

2. Description of Proposal

- 2.1 Corbets Tey School is a school for children and young people who have statements detailing particular personal educational needs. The school caters for pupils aged 4 to 16 with moderate to severe learning challenges, including autism, and a number of medical syndromes.

- 2.2 The proposal is to introduce a semi-permanent car-park on an unused grassed area to the south eastern corner of the school site. Although the site already has 35 spaces to the front and west side of the school buildings, due to the high number of specialists and staff visitors as well as the number of students conveyed to the site in private transport, the existing parking arrangements are no longer adequate.

- 2.3 The proposed car park area will be accessed via a new dedicated entrance from Harwood Hall Lane, with a new 'crossover' and secure gating. It is also proposal to introduce further landscaping with shrubbery along the eastern boundary to minimise any increased noise and disturbance coming from the site.

- 2.4 The proposed surface will be a self-draining perforated polymer sheeting which will allow the grass to grow through to help minimalise the visual

impact. The proposed fencing and gate along the southern boundary on to Harwood Hall Lane will be of a mesh style in green to provide security whilst also not presenting a closed frontage.

3. Relevant History

- 3.1 The school has had numerous previous extensions. The most recent planning history is set out below:

P1104.04 - Detached garage - Approved

P0509.07 - Demolish old storage shed and erect new detached storage shed - Approved

P0752.07 - Two storey resource extension - Approved

P1183.09 - Two storey side extension to existing classroom block, with adjoining single storey stores lobby connection to existing swimming pool building - Approved

P1505.10 - External sensory play area on existing field including new surfacing and fencing. Plant room extension - Approved

P0261.11 - Detached single storey building to provide disabled toilets and changing facilities for use in conjunction with new sensory play area – Approved

P0040.12 - Detached single storey building providing accessible toilets and changing facilities for new sensory play area - Approved

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the press as a Green Belt application. 64 neighbour notification letters have also been sent to neighbouring addresses. One letter of objection was received which raises two concerns, firstly about the possible increases in noise levels resulting from the car park use, particularly out of school hours by sports clubs and social clubs. The second point of objection relates to the number of planning applications and subsequent developments that have taken place on the school site in recent years which the objector feels are eroding away the green belt status of the land in and around the school premises.

- 4.2 Traffic & Engineering & Streetcare raised no objection to the proposals, but as this is a Havering Council application - the Highway Authority require to be advised of the planned work to be undertaken on the public highway.

- 4.3 The Environment Agency raised no objection to the proposal asked that a condition and informative be attached to the application relating to soil contamination should the proposal be granted approval.

5. Staff Comments

5.1 The issues arising from this proposal are the principle of the development, including its acceptability within the Metropolitan Green Belt, the impact on the character and openness of the Green Belt and the locality in general, the impact on the sites Tree Preservation Order protected trees, the local residential amenity, parking and highway impact and environmental issues.

5.2 Policies CP8, CP17, DC26, DC28, DC29, DC33, DC34, DC45, DC48, DC51, DC60, DC61 and DC62 of the LDF Core Strategy and Development Control Policies Development Plan Document are material considerations, as is The London Plan 2011 and the NPPF.

5.3 Principle of Development

5.3.1 The application is for a new parking area within the school grounds to provide staff, parents and specialist visitors a secure off road location for parking. The parking surfacing will be perforated to allow grass to grow through and the proposed perimeter fencing will be mesh to allow views into the site. This will ensure that the proposal will meet the needs of the school and the community whilst also not having harm on the openness and character of the site therefore complying with policies DC29 and DC45.

5.3.2 The proposal is on a grassed area which is currently unused and not one of the sports fields used at the site and therefore it is not considered that there would be any loss of sports facilities arising from the proposal.

5.4 Green Belt Considerations

5.4.1 The NPPF sets out the five purposes of Green Belt designation. These five points look to protect the openness and character of the Green belt and preserve it from sprawl from urban areas. The assessment of proposals in the Green Belt is a two stage process. Firstly the decision maker must consider whether the development is appropriate development in the Green Belt and secondly if it is deemed inappropriate if there are very special circumstances to permit the development.

5.4.2 Staff consider that it is arguable whether the development should be considered to be inappropriate in principle within the Green Belt, given that the proposal will not introduce a new building to the site just a new use to an area of the site. However given that the proposal will be on undeveloped land and bridge an existing space between the residential properties on Harwood Hall Lane and the school buildings it could be viewed to be inappropriate development.

5.4.3 In respect of the very special circumstances case, the applicant has made reference to the fact that the school is an existing development within the Green Belt, which fulfils an important role in the local community. This is a specialist school and has a specific need for the facilities that are sought. The project has been designed to be as sensitive to the school's

environment as possible, including retaining the trees on the application site to help screen the view of the car park whilst also preserving the trees. Also the proposed surfacing will be perforated to allow grass and vegetation to grow through which will also help the development to blend in with the surroundings.

5.4.4 In terms of the impact of the development on the Green Belt, Staff acknowledge that there would be some visual impact owing mainly to the change in the boundary treatment on Harwood Hall Lane from bushes to a perimeter fence. However the fencing will be of a mesh style to allow vegetation to grow around it helping to soften the view it to the site. It is therefore not considered, within the context of the existing school buildings and the extent of open space that remains around the facility, that the proposal would materially harm the intrinsic openness of this Green Belt site.

5.4.5 It is considered that no significant harm would be caused to the openness and character of the Green Belt at this location in accordance with Policy DC45 and the NPPF.

5.6 *Impact on Amenity*

5.6.1 There are existing residential properties to the east of the application site, including dwellings in Harwood Hall Lane and in Londons Close. It is considered that the proposed surfacing will help to reduce noise impacts as will the existing and proposed landscaping. The parking spaces will be set off the eastern boundary due to the existing trees and therefore it is considered that the new car park will not result in material harm to neighbouring amenity.

5.6.2 In order to mitigate against an increase in noise and disturbance to occupiers of neighbouring properties it is proposed to limit the evening and weekend use of the proposed car park.

5.7 *Parking and Highway Issues*

5.7.1 The school provides existing off street parking to the frontage which is no longer considered adequate. Therefore this proposal for additional car parking has been put forward to help alleviate the demand for on-street parking and provide secure parking for those visiting the site. The Council's Highways team has approved the proposed car park access and crossover and therefore no detrimental highway impacts are considered to be presented by this proposal.

5.8 *Other Issues*

5.8.1 There are a number of trees to the eastern boundary of the site, some of which are subject of a Tree Preservation Order. The Council's Tree Officer has advised that there is not considered to be an adverse impact on these

trees but that the tree should be fenced during construction works to provide protection.

6. Conclusion

6.1 The proposal will provide additional car parking facilities on site which are required for parents, staff and specialist visitors to have secure access to the site necessary for the operation of the school. It is a matter of judgement whether the proposals are acceptable in principle within the Green Belt but Staff are satisfied that no material harm to the open character of the Green Belt is considered to have occurred. This is due to the materials proposed for both the car park surface and perimeter fencing. There are many trees on the site and along the boundary to minimise any visual impact and additional boundary treatment is proposed for noise insulation. The proposed access in to the car park from Harwood Hall Lane is also considered acceptable and therefore the proposal will not result in harm to residential amenity or the public highway. By the way of conditions the Council will look to protect the TPO protected trees on site so as not to harm the environment of the area.

5.5 The proposal is therefore considered to be acceptable in principle and Staff recommend that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly affecting the Council.

Legal implications and risks:

None relating directly to the proposal.

Human Resources implications and risks:

None relating directly to the proposal.

Equalities implications and risks:

None relating directly to the proposal.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 16 June 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:	P0314.13 Use of site as temporary car park with car wash facility (Application received 28 August 2013)
Report Author and contact details:	Helen Oakerbee, Planning Manager helen.oakerbee@havering.gov.uk 01708 432800
Policy context:	Local Development Framework
Financial summary:	None

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

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

SUMMARY

This report concerns an application for the temporary use of a site for a car park with car wash facility. A section of the site was originally developed as a car park in conjunction with commercial units; however these units have now been demolished leaving the land vacant. The site received consent in 2009 for a mixed-use redevelopment but currently there are no plans to bring forward such a redevelopment and therefore the proposal looks for a temporary consent to bring the site back into use. Staff consider that the proposal would accord with the long term policy aspirations

for the site by the temporary nature of the application and also comply with car parking, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the signing of a legal agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant signing a Section 106 agreement, to secure the following:

- The car park is managed as consistently as is reasonably practicable with other public car parks in the town centre and does not undercut tariffs for other town centre public car parks;
- Linked trips to the Development and to existing shops and other facilities within Romford Town Centre are facilitated and not discouraged
- Long stay commuter car parking is discouraged; and
- The car park is available for use by members of the public during such hours as may be agreed between the Developer and the Council

That the Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. This permission shall be for a limited period only expiring 18 months from the date of consent being issued and on or before which date the use hereby permitted shall be discontinued and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: The preferred use of the site is for mixed-use residential, retail, leisure and commercial development and this change of use is only acceptable in the short term in accordance with Policy CP1 of the Core Strategy and Development Control Development Plan Document and site allocation policy ROMSSA1 of the Romford Area Action Plan Development Plan Document.

2. Within two months of the date of this permission a scheme to dispose of foul and surface water drainage shall be submitted to an approved in writing by, the local planning authority. The scheme shall thereafter be implemented within two months of approval of the submitted details and retained thereafter.

Reason: To protect the quality of the water environment.

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

Reason: In the interests of visual amenity, and that the development accords with Core Strategy and Development Control Submission Development Plan Document Policy DC61.

4. Within two months of the date of this permission a scheme for any plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10dB. The scheme shall be implemented within two months of approval and maintained thereafter to the satisfaction of the Local Planning Authority.

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

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.

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

6. Vehicles shall not be washed or otherwise cleaned on the site outside the following hours: 0800 to 2000 Mondays to Saturdays and 1000 to 1600 on Sundays.

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

7. No operations or activities in connection with the car wash use shall take place other than within the areas identified on the approved plan and on no other part of the site without the prior consent in writing of the Local Planning Authority.

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

INFORMATIVE:

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve

building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

2. wash liquid waste is classed as trade effluent. It must not be discharged to a surface water sewer or watercourse untreated. Before it is discharged to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and sewerage company or authority. If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities.
3. 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.
4. 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.
5. 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 an irregularly shaped site (0.95 hectares in size), located towards the northwest of Romford Town Centre. The site is bounded to the west by St Edwards Way (part of the Romford ring road), to the east by Angel Way and North Street beyond, to the south by Angel Way, the multi-storey car park beyond.
- 1.2 The site was formerly occupied by a post sorting office and was redeveloped in the 1990's. The south side of the site is currently vacant and to the north of the site the surface level car park remains. Running through the site towards the western end is the River Rom which is culverted with bridges over for pedestrians and vehicles.

- 1.3 Vehicular access to and from the site in its current form is achieved from Angel Way, accessed from the North Street roundabout.
- 1.4 The surrounding area is mixed in character but reflects its town centre location with commercial uses in North Street and High Street, although there are also residential properties to the east of the site over St. Edwards Way.
- 1.5 The site is designated in the LDF Proposals Map as within Romford Central PTAL Area. The site is within the boundary of Romford Area Action Plan and covered by Site Specific Allocation Policy ROMSSA1.

2. **Description of proposal**

- 2.1 The application seeks to reopen and extend an existing surface level car park to provide a 200 space car park, 10 of which are to be disabled parking bays with a car wash facility, all of which is to be subject to a temporary consent.
- 2.2 The applicant has not advised of the opening hours and therefore Staff have consulted Environmental Health on this matter. No fixed plant equipment is proposed although the applicant has indicated that the washing of vehicles would involve the use of jet washer equipment.
- 2.3 The way in which the car wash operates is as follows, vehicles arrive at the site and are washed by hand and jet washer and then internal cleaning involves the use of a vacuum cleaner. The plans indicate ten cars can be accommodated in the washing area at any one time.
- 2.4 The proposal does not include any details of canopies or cabin buildings for storage or staff/customer facilities and therefore if the applicant wishes to erect such structures this would form part of a separate application.
- 2.5 Staffing wise the applicant has advised that two full time staff are to be employed on the site.

3. **History**

- 3.1 P1047.94 – Retail development for 2 units totalling 2,369m² with associated car parking, highways improvements and public amenity area – outline – Approved.
- 3.2 P0726.97 – Details of outline planning application P1047.94 – Approved.
- 3.3 P1192.07 – Unit 2, Angel Way Retail Park – Use of mezzanine floor as function suite – Refused.
- 3.4 P2144.07 – Unit 2, Angel Way Retail Park – Temporary use of mezzanine floor as function suite – Approved subject to conditions
- 3.5 P2246.07 – mixed-use development of 350 residential units, a 63-bedroom hotel, ground-floor mixed retail, basement car parking and a new public square.

Refused June 2009 and approved on Appeal December 2009. Appeal Ref: APP/B5480/A/09/2108065

4. **Consultations**

- 4.1 76 Neighbour notification letters have been sent to adjoining occupiers with no letters of representation being received.
- 4.2 The Environment Agency have been consulted but no comments have yet to be received and response will be reported verbally at committee.
- 4.3 The Council's Environmental Health service have been consulted but no comments have yet to be received and response will be reported verbally at committee
- 4.4 The Council's Streetcare team raised no objections to the proposal but asked that an informative be attached to the approval to notify the applicant that no changes to the highway have been approved and any changes would require consent from the Highway Authority.

5. **Staff Comments**

- 5.1 The issues in this case are the principle of development, including the impact on the road network, the streetscene, residential amenity, noise and water supply and drainage. Policies CP15 (Environmental Management), DC32 (the road network), DC33 (car parking), DC48 (flood risk), DC51 (water supply, drainage and quality), DC55 (noise) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations. Policies ROM14 (Housing Supply) and ROM20 (urban design) of the Romford Area Action Plan Development Plan Document are also relevant as is the NPPF.
- 5.2 Whilst part of the site is an existing surface car park Staff need to consider the long term development potential of the site, given that an application for a comprehensive mixed-use redevelopment of the site has been granted consent. Additionally the proposal for a car wash on site needs to be addressed to ensure no adverse environmental impacts arise through this development, especially considering the proximity to the River Rom.
- 5.3 *Principle of development*
 - 5.3.1 The application site is situated within the boundary of the Romford Area Action Plan and designated under Policy ROM14 as a site for future housing supply. Policy ROM14 advises that the intensification of the site will be encouraged through mixed use development. The site benefits from having a consent for a mixed-use redevelopment however this development is not currently being brought forward for construction. Therefore the applicant is applying for a temporary consent to reopen the existing car park and extend on to the vacant section of the site and also introduce a car wash facility on site.

5.3.2 Given that a section of the site is already a demarcated car park and the remaining section is cleared and vacant a temporary consent would not prejudice the long term redevelopment of the site and as such this use is deemed acceptable in principle. The introduction of a car wash on the site would bring a new use to the site. However Staff are of the view that it is appropriate development within the existing car park site given its location and are also satisfied it would not prevent the site being redeveloped in the future. On this basis staff raise no objection to the proposed use in principle subject to it having an acceptable environmental impact.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 Staff do not consider that reopening and extending the car park for use will have any new impact on the streetscene, given that the site has previously been in use as a car park for a number of years. Whilst the development will intensify the car park use on the site the new areas to be opened up for car parking do not face on to St. Edwards Way, just a section of Angel Way, therefore having no significant change in the outlook of the site.

5.4.2 It is proposed that the car wash will be located to the north of the site adjacent to the roundabout interchange of St. Edwards Way and North Street, which is on the existing car park section and already benefits from boundary treatment which will help screen the site.

5.4.3 As the site of the car washing has previously been used for car parking Staff are of the view that visually the presence of cars for their washing would not be intrusive in the urban setting of the site. The application does not include any buildings/cabins or fixed plant equipment and therefore will not alter the impact on the streetscene or have a harmful impact on the character of the area.

5.5 *Impact on amenity*

5.5.1 The application site is situated on the periphery of Romford town centre, just outside of the ring road. The character of the area is drawn from a of variety land uses with predominantly commercial and the nearest residential properties at street level (Linden Street) can be found to the west of the site separated by St. Edwards Way at a distance of at least 30 metres . Additionally there are new residential units within the upper floors of The Rubicon, a new mixed-use development adjacent to the site on the opposite side of Angel Way. However in both instances Staff are of the view that this distance of separation is sufficient to ensure that the car park and car wash use is not harmful to amenity.

5.6 Highways

5.6.1 Access to the car park and car wash is taken from the existing access point from Angel Way. There will be space for 10 cars to be in the washing/valet process and beyond that cars would be able to queue within the site without causing congestion to the public highway. Therefore Staff consider the proposal to be acceptable in respect of highways impact.

6. Other issues

- 6.1 The proposed use of the application site for the washing of cars has the potential for waste water and detergent to enter the watercourse. Staff have consulted the Environment Agency and await comments on how they advise the application be conditioned. However given the site has in part previously been used for car parking and the principle of use and impact are considered to be acceptable.
- 6.2 The proposal also has the potential to cause noise nuisance due to the use cleaning equipment and the hours of operation. Staff have consulted Environmental Health and await comments on how they advise the application be conditioned. However given the site has in part previously been used for car parking and the principle of use and impact on amenity are considered to be acceptable.
- 6.3 To ensure that Romford town centre remains an attractive and viable shopping and entertainment destination, car park operators within the town centre, including the Council and the operators of the Liberty and Mall shopping centres and The Brewery complex have agreed to fix car parking charges. This is supported in the NPPF which looks to Local Authorities to 'set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth.' For consistency in approach, the applicant has agreed to enter into a legal agreement to ensure that the charging within the car park proposed is commensurate with charges levied by others.

7. Key issues/Conclusions

- 7.1 The use of the site for car parking that is not ancillary to a commercial store with the addition of car wash facilities is considered to be acceptable in principle in this location. Staff are of the view that the temporary use of the site would not prejudice the long term redevelopment of the site. It is also considered to have an acceptable impact on the character of the area and would not result in an adverse impact on the environment subject to conditions. It is not considered that the proposal would result in any adverse highways implications. Having regard to the location of the application site and the separation distance from the nearest residential properties staff are of the view that the proposal would not be materially harmful to amenity.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None

Equalities implications and risks:

None directly arising from this application.

BACKGROUND PAPERS

1. Planning Application and drawings under reference P0314.13.

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REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:

Planning Contravention
3 Austral Drive

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685
simon.thelwell@havering.gov.uk

Policy context:

Local Development Framework

Financial summary:

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

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

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

SUMMARY

This report concerns the construction of an unauthorised decking area to the rear of the property. Raised decking areas, subject to certain criteria, can normally be constructed without planning permission. The decking at No. 3 Austral Drive fails to comply with permitted development criteria as it finished at a height in excess of 0.3m from natural ground level. The height of the decking causes an overlooking issue into the adjoining property at No.5 and is overbearing and intrusive and has a detrimental impact on the rear garden environment of the neighbouring property.

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:

- i) Demolish the unauthorised decking or reduce in height the unauthorised decking to a maximum height of 0.3m measured from natural ground level.
- ii) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i) 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 3 Austral Drive is a 2 storey, semi detached residential dwelling. The surrounding area comprises of two storey semi-detached dwellings.

2. The Alleged Planning Contravention

- 2.1 Without planning permission, the construction of an unauthorised decking area.

3. Relevant Planning and Enforcement History

- 3.1 On 16 August 2012 the Authority received a complaint that a rear decking area had been constructed. Officers investigated the complaint and found that the decking was constructed well in excess of the permitted development criteria of 0.3m from natural ground level on one side of the decking area where steps lead up to the higher point. The exact height is not known due to access not being gained to the property. A Planning Contravention Notice was served to gain that information but the owner failed to complete and return the Notice.
- 3.2 The decking area is causing a significant overlooking issue to the owners of the adjacent property at No.5.

3.3 After discussions with the owner on several occasions and written correspondence informing them that planning permission would need to be sought, it became apparent that the owner was not going to submit a planning application or reduce the decking in height.

4. **Policy and Other Material Considerations**

4.1 As the unauthorised decking is not constructed within permitted development criteria it is considered that the development is unauthorised in its entirety.

4.2 The main planning issue in this case is that the decking by reason of its width, height and position is causing an overlooking problem to the neighbouring property. The decking is situated at the back of an existing extension, and due to its height, people on the decking can clearly see over the existing boundary fence toward the rear facing rooms and outdoor area nearest to the house, which are the most sensitive areas in terms of overlooking.

4.3 Policy DC61 (Design) of the Local Development Framework states that planning permission will not be granted when proposals result in unacceptable overshadowing, loss of sunlight/daylight, overlooking, or loss of privacy to existing and new properties.

4.5 It is regarded that the raised decking fails to comply with the requirements of Policy DC61.

5. **Recommendation for action**

5.1 The owner of the property has had an opportunity to submit a planning application in order to try to retain the decking or to remove or alter the decking. To date the development remains unchanged with no application submitted. With that in mind, it is considered that the only course of action available to protect the Council's position and to maintain control over this development is to serve an Enforcement Notice.

5.2 Given the intrusive nature of the development it is considered that the decking should be removed in its entirety or the height reduced to bring it within the permitted development criteria of 0.3m above natural ground level within three months from the effective date of the enforcement notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

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

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

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

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

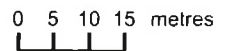
Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications.

BACKGROUND PAPERS

Site photographs



Scale: 1:1000
 Date: 06 September 2013
 Size: A4



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REGULATORY SERVICES COMMITTEE

REPORT

3 October 2013

Subject Heading:

Planning Contravention
38 Heaton Avenue

Report Author and contact details:

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

Policy context:

Financial summary:

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

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

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

SUMMARY

This report concerns the construction of an unauthorised rear dormer. Dormer windows, subject to certain criteria, can normally be constructed without planning permission. The dormer window at No. 38 Heaton Avenue fails to comply with permitted development criteria as it is not finished in materials which match the roof of the property. The development is considered to be overbearing and intrusive and have a detrimental impact on the rear garden environment. Enforcement action is recommended.

RECOMMENDATIONS

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

1. Carry out the remedial works required to bring the dormer to within permitted development conditions set out in the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1 Class B, and supporting Technical Guidance by finishing with materials of a similar colour and design to the materials used in the main roof of the dwellinghouse
2. Remove from the Land all waste materials and rubble resulting from compliance with 1 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 38 Heaton Avenue is a semi detached residential bungalow. The surrounding area comprises of two storey semi-detached and terraced dwellings and high rise flats.

2. **The Alleged Planning Contravention**

- 2.1 Without planning permission, the construction of an unauthorised dormer window.

3. **Relevant Planning and Enforcement History**

- 3.1 On 1 August 2012 the Authority received a complaint that a rear dormer was being constructed. Officers investigated the complaint and found that the dormer was being constructed within permitted development criteria in relation to its size and position and would not have needed planning permission provided it was going to be finished in tiles to match the roof.

- 3.2 Instead of being finished off in tiles to match the main roof of the bungalow, the dormer was completed and finished off in render and painted cream. As the development no longer meets the permitted development criteria, planning permission is required.
- 3.3 After discussions with the owner, it became apparent that the owner was not in a position to either carry out the works required to bring the dormer within permitted development or to submit a planning application.

4. **Policy and Other Material Considerations**

- 4.1 As the unauthorised dormer is not constructed within permitted development conditions as it fails to comply with the conditions set out in the. Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1 Class B and supporting Technical Guidance.
- 4.2 The main planning issue in this case is that the dormer window by reason of its inappropriate finish and given its width, height and position is overbearing, visually intrusive and appears out of character with the neighbouring properties. It detracts from the residential amenity of the rear garden environment and neighbouring properties.
- 4.3 Policy DC61 (Design) of the Local Development Framework states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 4.4 The Council considers it expedient to enforce due to the scale of the dormer and the adverse impact in terms of appearance of non-compliance with the conditions set out in the. Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1 Class B and supporting Technical Guidance.. Further it is regarded that the appearance of the unauthorised dormer roof extension is contrary to policy DC61 and also the Supplementary Design Guidance (Residential Extensions and Alterations).

5. **Recommendation for action**

- 5.1 The owner of the property has written in to explain that they are not in a position to either submit a planning application or to carry out the works required (i.e. finish off the dormer in materials of a similar colour and design to the materials used in the main roof of the dwellinghouse). With that in mind, it is considered that the only course of action available to protect the Council's position and to maintain control over this development is to serve an Enforcement Notice.
- 5.2 Given the intrusive nature of the development it is considered that the works should be carried out to ensure the dormer is finished in materials of a similar colour and design to the materials used in the main roof of the

dwellinghouse within 6 months from the effective date of the enforcement notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

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

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

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

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

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

BACKGROUND PAPERS

OS Plan
Photographs



38 Heaton Avenue Harold Hill



Scale: 1:500

Date: 25 September 2013

Size: A4

0 5 10 15 metres



Havering
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