



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
24 October 2013**

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

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
richard.cursons@havering.gov.uk**

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 16)

5 P0945.13 - THREE HORSESHOES FARM, NOAK HILL (Pages 17 - 34)

6 P0963.13 - FORMER BROXHILL CENTRE, BROXHILL ROAD (Pages 35 - 52)

- 7 **P0919.13 - PARSONAGE FARM PRIMARY SCHOOL, FARM ROAD, RAINHAM**
(Pages 53 - 60)

- 8 **P1077.13 - TOWN HALL, PRINT ROOM** (Pages 61 - 66)

- 9 **P1003.13 - 44 HERBERT ROAD, HORNCHURCH** (Pages 67 - 82)

- 10 **P1557.12 - R/O 189 HIGH STREET, HORNCHURCH** (Pages 83 - 100)

- 11 **P0858.13 - LAND R/O 137-151 MONTGOMERY CRESCENT, HAROLD HILL** (Pages
101 - 116)

- 12 **P0859.13 - LAND ADJACENT TO 81 HEATON AVENUE, ROMFORD** (Pages 117 -
130)

- 13 **P0860.13 - LAND R/O 2-24 BELL AVENUE, ROMFORD** (Pages 131 - 146)

- 14 **P0965.13 - SUTTONS PRIMARY SCHOOL, SUTTONS LANE, HORNCHURCH**
(Pages 147 - 154)

- 15 **P0978.13 - PYRGO SCHOOL, DAGNAM PARK DRIVE, HAROLD HILL** (Pages 155 -
164)

- 16 **P0870.13 - 2A DEYNCOURT GARDENS, UPMINSTER** (Pages 165 - 182)

- 17 **ENFORCEMENT REPORT - UPMINSTER COURT, HALL LANE, UPMINSTER**
(Pages 183 - 192)

- 18 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

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Agenda Item 4

Regulatory Services Committee

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Item 4

Page No.	Application No.	Ward	Address
1-8	P0487.13	Emerson Park	43-45 Butts Green Road, Hornchurch
9-13	P0846.13	Gooshays	Glenwood, Benskins Lane, Noak Hill, Romford

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REGULATORY SERVICES COMMITTEE

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APPLICATION NO:	P0487.13	
WARD :	Emerson Park	Date Received: 23rd April 2013 Expiry Date: 18th June 2013
ADDRESS:	43-45 Butts Green Road Hornchurch Essex	
PROPOSAL:	Change of use of ground floor from B1 (offices) to children's day nursery.(D1)Erection of a 1.8m high boundary wall. (Amended Car Park) Revised Plans received 13.09.13	
DRAWING NO(S):	Location Plan PL02 Proposed Ground Floor Plan PL02 Proposed First Floor Plan PL03 Proposed Site Plan PL05 Proposed Front Elevation PL06 Proposed Rear Elevation PL07 Proposed Side Elevation (North) PL08 Proposed Side Elevation (South) PL09	
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 by Councillor Ron Ower if the application is recommended for approval owing to concerns relating to the location of the site on a busy road and the parking provision on site to serve the development.

SITE DESCRIPTION

The site consists of a detached, two storey former dwelling, which has been used for offices (B1 use). It is situated on the western side of Butts Green Road at its junction with Walden Road, within a mixed commercial and residential area to the north of the centre of Hornchurch. There is a relatively large area of hardstanding on the site at the rear of the building, with vehicular access onto Walden Road. The site is adjoined by a similar two storey building which is used for commercial and residential purposes at present.

DESCRIPTION OF PROPOSAL

The application is for a change of use from B1 (Offices) to D2 (Day nursery).

The nursery would employ 8 members of staff and would cater for up to 60 children aged 0 - 5 years olds. The applicant has indicated that the nursery would operate weekdays from 08.30 hours to 15.00 hours.

The first floor of the building is to be retained for office use (B1 use). It is proposed to construct a new external staircase at the side of the building to provide an independent access to the first floor offices.

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An outdoor secure children's play area is to be provided on site at the rear of the building. The play area will be enclosed by a 1.8 metre high brick wall. The boundary fence along the northern boundary is to be increased to 1.8m.

A car parking area for up to 10 vehicles is to be provided at the rear of the site, around the children's outdoor play area.

The proposed level of car parking provision was increased via amendments, as originally, only five car parking spaces were proposed.

The proposal also involves the part reinstatement and part creation of a new crossover.

RELEVANT HISTORY

No relevant history

P0493.01 - Loft extension with front, side and rear dormers (Office Use)
Apprv with cons 12-06-2001

P0753.94 - Two storey rear & 1st floor rear extension. (Revised site layout received 23/9/94)
Apprv with cons 07-10-1994

P0001.90 - Single storey entrance
Apprv with cons 30-03-1990

CONSULTATIONS/REPRESENTATIONS

The application was publicised by the direct notification of adjoining properties. There have been 14 letters of representations received from local residents, which raise the following issues:-

· Inadequate parking space provided on the site for the staff, parents and people in the first floor offices, for the children's day nursery.

· Walden Road is a busy, well used road by residents, the builder's merchants opposite the site and the nursery school at the other end of the road. There is a high volume of on-street parking already and the children's nursery will exacerbate these problems.

· Walden Road does not have a vehicular turning facility at the end of the road, which makes vehicle movement and turning difficult.

· There are already traffic congestion problems in Walden Road and increased traffic movements on the road will not help these problems and do nothing to promote public and highway safety in the area.

· There is no need for a children's day nursery in the area, as there are already a number of other nurseries in the area.

Amendments were requested and received from the agent. The neighbours were re-consulted for 14 days and 5 further objections were received as summarised below:

- Nursery would add to the congestion
- Lack of car parking provision
- Located near a builders yard serviced by lorries and vans would increase the risk of accidents

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at the junction
· Noise and disturbance

Officers Response: See Amenity and Highway Section of Report

Environmental Health - No objections providing conditions are imposed on any approval to deal with any contaminated land on the site.

Highways: No objection to the proposed change of use providing conditions and informative are imposed on any approval.

RELEVANT POLICIES

LDF

CP17 - Design
CP8 - Community Facilities
DC16 - Core and Fringe Frontages in District and Local Centres
DC26 - Location of Community Facilities
DC27 - Provision of Community Facilities
DC30 - Contribution of Community Facilities
DC33 - Car Parking
DC61 - Urban Design

OTHER

LONDON PLAN - 4.3 - Mixed use development and offices
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.3 - Designing out crime

MAYORAL CIL IMPLICATIONS

The proposal is for a change of use, as such no additional internal floor space is proposed. The CIL liability would be zero.

STAFF COMMENTS

The main issues to be considered with these proposals are the principle of the development, the impact upon the adjoining properties and the highway implications of the proposed development.

PRINCIPLE OF DEVELOPMENT

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

LDF Policy CP8 aims to retain and re-provide community facilities where a need exists. Community facilities include, amongst others, day care nursery facilities. The provision of community facilities forms a vital component in improving quality of life and therefore in line with the NPPF and the London Plan, Policy CP8 seeks to reduce social inequalities and address accessibility both in terms of location and access

The Borough's Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places. The Borough's Childcare Sufficiency Review 2010/2011 states that there is a particular gap in places for ages 3-4, which is covered by child minders. The places provided here would contribute towards this shortfall.

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

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

An assessment of the proposal against this policy is detailed below.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

There are no external alterations proposed for the front of the building and the rear elevation has only minor alterations with the provision of two new entrance doors to replace two existing windows. The proposed small external staircase at the side of the building to provide separate access to the first floor offices, by reason of its scale and design, would not harm the commercial character of the building.

The proposal also involves the installation of a 1.8m high wall and increase in height of the northern boundary fence to 1.8m high to provide an enclosed outdoor children's play area at the rear of the building. The details of the proposed wall and fence would be secured by way of condition to safeguard the visual quality of the scheme.

Subject to conditions, it is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and the advice contained within the NPPF.

IMPACT ON AMENITY

Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

The adjacent property at 47 Butts Green Road is used for a retail shop at ground floor with a flat at ground floor level to the rear and a flat above. To the rear of the site is the residential dwelling at 2 Walden Road which would be adjacent to the existing car park which is to be reconfigured. The enclosure of the play area with a 1.8m high wall would to an extent reduce the level of noise emitting from the site. The proposed hours of operation would also ensure that the change of use does not result in any unacceptable levels of noise and disturbance at unsociable hours. It is considered that the proposal would not significantly impact on residential amenity in terms of noise and disturbance.

The new external staircase positioned to the side of the building would face the side window of no. 47 which is a non-habitable room. The proposed wall and raised fence height at 1.8m by reason of their positioning and limited height would not result in any significant loss of outlook, overshadowing or loss of sunlight and daylight to neighbouring properties.

It is therefore considered that the proposal would safeguard the amenities of neighbouring properties. The development is therefore considered acceptable in accordance Policy DC61.

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HIGHWAY/PARKING

Policy DC26 requires community uses to be accessible by a range of transport modes including walking, cycling and public transport and sufficient on street car parking should be provided. For D1 use, which includes day nurseries and creches, 1 car parking space per member of staff should be provided. There is also a requirement for a drop off area.

The revised car parking scheme consists of 10 proposed car parking spaces on site and no more than 8 staff would be working at a time.

The Highway Authority confirmed that the level of car parking space on site is acceptable and they have no objection to the proposed change of use.

The peak time early morning and late afternoon traffic caused by parents dropping off/picking up children would cause an increase in activity in this part of the Borough and Butts Green Road. However, it is considered that any resulting increase in the level in traffic from the proposed use would not be of such magnitude as to warrant a reason for refusal.

KEY ISSUES/CONCLUSIONS

Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed change of use and associated works would be acceptable in principle and would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.

The application therefore complies with aims and objectives of Policies DC26, DC61 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document and approval is recommended accordingly.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:30am and 3.00pm on Mondays to Fridays and not at all on Saturdays, Sundays and Bank 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

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3. SC32 (Accordance with plans)

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

Reason:-

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

4. 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. Highway condition

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

Reason:

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

6. SC06 (Parking provision)

Before the ground floor of the building(s) is first occupied as a Nursery, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

7. Non Standard Condition 1

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7. Non Standard Condition 1

The number of children accommodated within the premises hereby approved shall not exceed 60 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

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

8. Non Standard Condition 2

The outdoor play area shall not be used for the purposes hereby permitted other than between the hours of 9:00am and 3:00pm on Mondays to Fridays and not at all 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

9. Non Standard Condition 3

The use of the outdoor children's play area for the day nursery shall be restricted to small groups of children (maximum of 20 children), supervised by staff, at any one time, to the satisfaction of the Planning Authority.

Reason:

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

Reason:

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

10. SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be a children's day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, 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.

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11. SC37 (Noise insulation)

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

Reason:

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

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 Informative

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

4 Highways Informative 2

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

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APPLICATION NO:	P0846.13	
WARD :	Gooshays	Date Received: 30th July 2013 Expiry Date: 24th September 2013
ADDRESS:	Glenwood Benskins Lane Noak Hill Romford	
PROPOSAL:	Single storey side extension Revised Plan Received 14.10.2013	
DRAWING NO(S):	Ordnance survey map Existing side elevation 1:100 Existing side elevation 1:50 Proposed front and rear elevations 1:20 Proposed side elevation 1:20 Existing ground floor plan 1:50 Proposed ground floor plan showing utility/play/games room 1:50	
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

Detached chalet bungalow on the western side of Benskins Lane, Noak Hill. The site is within the Metropolitan Green Belt. The ground is relatively flat.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey side extension on the south western flank of the dwelling. The extension would have a depth of 4.5 metres, a width of 3.3 metres and a height of 4.2 metres. The extension would be recessed 0.2 metres from the rear facade of the dwelling and would be 0.7 metres from the south western boundary.

RELEVANT HISTORY

P1528.10 - Retrospective change of use of building and forecourt to class B1 - Withdrawn.
P0078.03 - Single storey rear extension - Approved.
E0012.96 - Certificate of Lawful Use for occupation of the dwelling in non-compliance with planning condition - Approved.
E0001.95 - Certificate of Lawful Use for buildings within Class B1 Use - Approved.
P0620.90 - Proposed ground floor and first floor extension - Approved.
1477/82 - Change of roof design to bungalow- Approved.
2055/80 - Replacement 3 bed bungalow - Approved.
L/HAV1554/79 - Replacement 3 bed bungalow - Approved.

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 16 neighbouring occupiers were consulted and no letters of representation were received.

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Environmental Health - Recommend an informative regarding contamination if minded to grant planning permission.

RELEVANT POLICIES

Policies CP14 (Green Belt), CP17 (Design), DC33 (Car Parking), DC45 (Green Belt), DC61 (Urban Design) of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Extensions and Alterations Supplementary Planning Document.

Policies 6.13 (parking), 7.4 (local character) and 7.16 (green belt) of the London Plan 2011 are relevant.

Chapters 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues.

For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is 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. In this instance, it is considered that the proposed single storey side extension would not result in disproportionate additions over and above the size of the original building and as such this proposal is appropriate in principle.

GREEN BELT IMPLICATIONS

The original dwelling had a volume of approximately 413 cubic metres. Previously extensions were approved, only part of which was constructed. This does mean that further extensions could be built without further recourse to planning, as a substantial start was made. Two pitched roof extensions on separate sides of the dwelling were approved in 1982, only one of the extensions was constructed in a flat roof form. The volume of what was built was 54 cubic metres and planning permission was granted for 155 cubic metres, therefore a further 101 cubic metres could be constructed at any time.

The single storey rear extension comprising of a conservatory (approved under application P0078.03) had a volume of approximately 48 cubic metres. The proposed single storey side extension has a volume of approximately 51 cubic metres.

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Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling.

The Case Officer calculated the volume of the proposed single storey side extension and it would result in an increase in cubic capacity of the existing dwelling by approximately 12% (or a volume of 51 cubic metres). Therefore, the combined volume of the two pitched roof extensions, the existing single storey rear extension and the proposed single storey side extension is approximately 61%, (as per staff calculations). Having carefully considered the merits of this planning application, the proposed single storey side extension is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing dwelling and therefore, would be in accordance with Chapter 9 of the NPPF.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the single storey side extension would not be materially harmful to the streetscene, as it is relatively modest in size and height, it is single storey, its hipped roof minimises its bulk and would be set back approximately 4.9 metres from the front facade of the dwelling. In addition, the extension would be screened by some landscaping as well as a brick wall and timber paling fence located on the south western boundary of the site. It is considered that the extension would not be disproportionate to the existing building and would appear subservient to Glenwood.

IMPACT ON AMENITY

It is considered that the proposed extension would not be harmful to residential amenity as it is well separated from neighbouring properties, it would be recessed 0.2 metres from the rear facade of the dwelling and would be 0.7 metres from the south western boundary. There is a separation distance of approximately 11 metres between the north eastern flank wall of the nearest neighbouring dwelling, Halldene, and the rear facade of Glenwood. There is extensive landscaping and trees on the rear boundary of the site, which together with a timber paling fence, would provide screening. The extension would be screened by some landscaping as well as a brick wall and timber paling fence located on the south western boundary of the site. It is considered that the proposal would not create any additional overlooking over and above existing conditions.

HIGHWAY/PARKING

It is considered that the proposal would not create any highway or parking issues. There is space for a minimum of three to four cars on hard standing to the front.

KEY ISSUES/CONCLUSIONS

Having carefully considered the merits of this planning application, the proposed single storey side extension is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within Chapter 9 of the NPPF.

It is considered that the proposal would not result in a loss of amenity to adjacent occupiers and would not create any highway or parking issues. Accordingly it is recommended that planning permission be approved.

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RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building, namely red fletton (tudor) bricks, concrete roof tiles and UPVC windows to the satisfaction of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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 Non Standard Informative 1

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the life of the development. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified in accordance with current best practice and submitted to the Local Planning Authority.

2 Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development

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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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**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

**P0945.13 – Three Horseshoes Farm,
Noak Hill Road, Romford**

**Demolition of existing stabling, storage
and residential properties on site and
construction of 5 dwellings,
landscaping and associated works
(application received 15th August,
2013.)**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

RECOMMENDATIONS

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

- The sum of £30,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- That the applicant/owner of the application site agrees that on the issue of the Decision Notice pursuant to the Planning Permission (Reference P0945.13) the following Certificates of Existing Lawful Use or Development granted under section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted residential use of accommodation units existing on site. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:-
 1. Certificate Reference E0029.12(a) issued on 6 December 2012;
 2. Certificate Reference E0029.12(b) issued on 6 December 2012;
 3. Certificate Reference E0029.12(c) issued on 6 December 2012;
 4. Certificate Reference E0029.12(d) issued on 6 December 2012;
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council;
- The Council's reasonable legal fees for shall be paid prior to completion of the agreement irrespective of whether or not it is completed;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

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

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

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

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

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

3. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

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

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

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

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in

order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

7. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment shall be retained thereafter.

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

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

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

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

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

10. 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.

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 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.

12. 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.

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

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

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

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

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

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

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

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

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

Reason:

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

14. 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, 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.

15. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, 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 protecting the openness of the Green Belt and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

16. Ecology – No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how the development will be undertaken in accordance with the recommendations of the submitted ecological assessment (June 2013). The development shall be undertaken in accordance with the approved details.

Reason: In the interests of nature conservation and in accordance with the NPPF.

17. Ecology – No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority relating to the proposed installation of bat and bird boxes within the development. The development shall be undertaken in accordance with the approved details and retained for the life of the development.

Reason: In the interests of nature conservation and in accordance with the NPPF.

18. Ecology – Should demolition works at the site fail to be completed by 28th June 2014, then a further bat survey shall be undertaken and submitted and approved in writing by the local planning authority prior to any further demolition works taking place.

Reason: In the interests of nature conservation and in accordance with the NPPF.

19. Demolition – No development shall take place until all of the existing buildings at the site have been demolished.

Reason: In the interests of maintaining the openness of the Green Belt, and in accordance with the guidance contained in the NPPF.

20. No development shall take place until a scheme for protecting the site's existing hedgerows has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: Reason: In the interests of nature conservation and in accordance with the NPPF.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:-

To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason:-

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

INFORMATIVES

1. In aiming to satisfy condition 8 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

Planning Obligations

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

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

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.

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.

REPORT DETAIL

1. Site Description

1.1 The proposed area of development is located approximately 75m to the north of Noak Hill Road, and is accessed by a private track leading to the public highway. The Site is in use as an equine stabling business but

includes four residential units that benefit from certificates of lawfulness. The site is located within the Green Belt and the Havering Ridge Area of Special Character. A Borough Site of Nature Conservation Importance is located immediately to the west, whilst the Whitworth and Broxhill Site Specific Allocation is located approximately 30m to the west.

- 1.2 The development site comprises an irregular area of land with areas of hardstanding and buildings, along with two open areas of land used for exercising horses. The built development is mainly concentrated at the southern end of the Site and includes stable blocks, storage buildings, an office, and a residential unit. A further cluster of smaller buildings, comprising three residential units and a storage building, are located at the northern end of the Site. The Site is mainly bounded by open countryside although the western side of the access track runs alongside a residential property known as The Bungalow.
- 1.3 The existing buildings at the site, of which there are nine, range in area from around 31sqm to 345sqm, with the tallest building being approximately 6m in height, although the remainder are around 3m in height. The existing built development covers a total area of 1154sqm and has a total volume of 3819m³. The proposed buildings would be in excess of 100m from the nearest neighbouring dwellings located to the south of the site along Noak Hill Road.

2. Description of Proposal

- 2.1 This planning application proposes the demolition of the existing buildings and the removal of much of the hardstanding, and the erection of five, detached residential properties, each of which would have a private garden and garage. The proposal would be accessed from the same point along the public highway as the existing development, with an internal access road serving the proposed dwellings and the farmland beyond. Areas of the site that are currently developed would be landscaped and left open.
- 2.2 The proposed dwellings would be 1-2 storey, pitch roofed properties with accommodation contained in the roof spaces, facilitated by dormer extensions. Each would include a two storey, projecting gable feature extension and a garage in addition to driveways with 1-2 parking spaces. Two of the dwellings would have four bedrooms, and the remaining three would have five. Existing hedgerows and trees would be retained, and new planting undertaken.
- 2.3 The proposed buildings, including the garages, would have a combined footprint of approximately 700sqm and a combined volume of approximately 3554m³. Each of the dwellings would have a maximum height of around 7.5m.

3. Relevant History

3.1 The previous planning decisions of most relevance to this application are as follows:

E0020.12 - Certificate of Lawfulness for retention of 4 self-contained residential units – Approved.

P2492.07 - Retention of outbuildings – Refused.

P0163.00 - Hay and straw storage barn (to replace existing containers) – Refused.

P0763.98 - Retention of use as a livery yard together with stable buildings and ancillary facilities – Approved.

4. Consultations/Representations

4.1 The application has been advertised on site and in the local press. Neighbour notification letters have also been sent to 32 local addresses.

4.2 A petition containing 79 signatures has been received, objecting to the proposal.

4.2 Objection letters have been received from 12 neighbours raising the following concerns:

- a) The proposal would undermine the semi-rural character of the site;
- b) The application could be followed by further development proposals in the Green Belt;
- c) The proposal would cause additional traffic problems and disturbance in the area;
- d) The proposal would harm the outlook from neighbouring properties;
- e) The proposal would be detrimental to highway safety;
- f) The loss of the stabling business, which serves the area;
- g) The proposal would be harmful to the Green Belt;
- h) The area is being over developed with other developments in the area;
- i) The proposal would exacerbate drainage problems in the area;
- j) Overlooking to neighbouring properties.

4.3 Comments have also been received from the following:

The Environment Agency
No objections.

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

Thames Water
No objections.

London Fire Brigade
No objections on planning grounds.

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

Highway Authority
No objections.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

The London Plan (2011)

5.3 Local Planning Policy

Policies DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC45, DC49, DC50, DC51, DC53, DC55, DC61, DC63, DC69, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

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

6. Staff Comments

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

7. Principle of Development

- 7.1.1 The Site is located in the Metropolitan Green Belt. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.

b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.2 The proposal would involve the demolition and removal of existing structures and their replacement with five dwellings and associated development, including garages and residential curtilages. The guidance contained in the NPPF states that the erection of new buildings will constitute inappropriate development in the Green Belt, except in given instances, including:

“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 purposes of including land within it than the existing building.” (Paragraph 89)

7.1.3 It is considered that those parts of the site comprising buildings and hardstandings constitute previously developed land. The open areas employed for exercising horses are not considered to constitute previously developed land.

7.1.4 The proposed development would involve the removal of a number of buildings, which have a combined footprint of 1154sqm, and a combined volume of 3819m³. The proposed development would result in buildings with a combined foot print of around 700sqm, and a combined volume of around 3554m³. The proposal would therefore result in a built footprint reduction of approximately 39%, and a reduction in the built volume of approximately 7%. The proposed dwellings would be taller than the tallest existing building, although the proposed buildings would have pitched roofs, which would reduce their impact higher up. Moreover, the proposed buildings would have a more discrete nature compared to those existing, which fill the site to a much greater extent.

7.1.5 Given that the proposal would result in a significantly less extensive development than is existing in terms of ground coverage, and would also be less voluminous, and given the siting, scale, and design of the proposal, it is considered that it would not have a greater impact on the openness of the Green Belt or the purposes of including land in the Green Belt. Given the existing condition of the site, it is considered that the proposal would, in fact, result in a significant improvement to its visual and overall condition. As will be discussed below, it is considered that the proposal would not result in any significant harm, and that it would not therefore constitute inappropriate development in the Green Belt.

7.2 Design Considerations

7.2.1 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. Policy DC69 states that the character of the

Havering Ridge Special Character Area will be protected. The SPD contains guidance in relation to the design of residential development. Neighbouring occupiers have objected to the proposal on the grounds that it would be harmful to the visual amenities of the area and the Green Belt.

- 7.2.2 The site currently has a ramshackle appearance with significant areas of hardstanding and a range of buildings covering much of the site area. These include wooden chalet structures in residential use, and larger structures being used as stables and for storage, constructed from a range of materials. The proposal would result in the removal of these buildings and much of the hardstanding. The proposed buildings would cover around 60% of the site area covered by the existing structures. The area currently occupied by the residential units and a storage building at the north western end of the site, along with a horse exercising area, would be restored to open land and not developed.
- 7.2.3 It is considered that the proposed dwellings and their associated curtilages, along with the other aspects of the proposal that would create open land, would result in a significant improvement to the visual condition of the site. The proposed units would be taller than the tallest existing structures, however, their pitched roofs and more discrete nature would result in less of an impact on the openness of the Green Belt and its visual amenities. It is recommended that conditions be imposed requiring the approval of details in relation to cladding materials, landscaping, boundary treatment, bin, and bicycle storage. A condition should also be imposed removing permitted development rights to ensure that approval is sought for the erection of curtilage structures and house extensions.
- 7.2.4 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policies DC61 and DC69 of the LDF, subject to the afore mentioned conditions.

7.3 Layout and Amenity Considerations

- 7.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings. Neighbouring occupiers have objected to the proposal on the grounds that it would result in an over development of the site.
- 7.3.2 The development would result in a low site density of approximately 10 dwellings per hectare, which is considered to be appropriate to what is a semi-rural location in the Green Belt.

- 7.3.3 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.
- 7.3.4 In terms of the site layout, 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 rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed dwellings would be accompanied by private gardens. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 7.3.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the units are considered to be acceptable. Two of the units would directly face one another with a separation distance of just under 12m. Whilst this separation distance is not ideal from an amenity perspective, it is considered acceptable as both units have significant open spaces to the rear, and the close proximity to the front contributes to a more intimate, rural, mews character, which is considered suitable in this location. The proposed dwellings would not include flank windows. It is therefore considered that there would not be any significant adverse impacts between units in terms of outlook and overlooking.
- 7.3.6 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. A further condition should remove permitted development rights to prevent the insertion of flank windows and other extensions in future, which may be harmful to neighbouring amenities.
- 7.3.7 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the nearest neighbouring properties. Given the siting of the proposed units, along with their scale and design, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.
- 7.3.8 Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that

the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

7.4 Environmental Impact

- 7.4.1 Neighbouring occupiers have objected to the proposal on the grounds that it would adversely affect drainage arrangements in the area. It is considered unlikely that the proposal would have a worse impact on drainage than the existing development. The site is located in Flood Zone 1 and the Environment Agency has raised no objections.
- 7.4.2 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination. It is recommended that these be employed should planning permission be granted.
- 7.4.3 Based on the information submitted, it is considered that the proposal would not result in any significant harm to nature conservation interests. A bat survey has identified no bat roosts within the existing building and this report will be reliable for a year, after which further survey work is recommended. The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. Conditions are recommended to ensure that further bat survey work is undertaken if demolition occurs more than a year from the date of the submitted survey. A condition is also recommended requiring a scheme to indicate how the ecological recommendations will be adhered to. It is also considered that a scheme of bat bird box installations should be required.

7.5 Parking and Highway Issues

- 7.5.1 The application proposes the retention of the site's existing access onto Noak Hill Road. Neighbouring occupiers have objected to the proposal stating that it would result in an increase in traffic congestion in the local area and diminish highway safety.
- 7.5.2 The proposal development would be accessed along a private internal road connecting with the public highway. Each of the proposed dwellings would be accompanied by a parking garage and at least one additional parking space. The proposal is likely to result in a significant reduction in vehicle movements at the site compared to the existing use. Access would be allowed for vehicles needing to access the agricultural fields to the north and west of the site, and bin lorries would be able to manoeuvre within the site using a proposed turning head, with refuse being collected from outside the proposed dwellings.
- 7.5.3 The Council's Highway officers have raised no objections to the proposal and it is therefore considered that the proposal would have an acceptable highway impact, and be in accordance with Policy DC32 of the LDF.

7.6 Community Infrastructure

- 7.6.1 Given the amount of floor space to be created (1,027sqm) and that to be removed (1,154sqm), which has been in use for at least six of the past twelve months, the proposed development would not give rise to a contribution as part of the Mayor's Community Infrastructure Levy (CIL) .
- 7.6.2 This planning application is subject to the Council's tariff under the Planning Obligations SPD. The proposal would give rise to a contribution of £30,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

7.7 Other Considerations

- 7.7.1 Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

8. Conclusion

- 8.1 The proposal is considered to be acceptable having had regard to Policies DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC45, DC49, DC50, DC51, DC53, DC55, DC61, DC63, DC69 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and compliance with conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Planning application P0945.13, all submitted information and plans.

REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

**P0963.13 – Former Broxhill Centre,
Broxhill Road.**

**Development of a new park including
3G artificial football pitch, multi-use
games area, pavilion, car park,
floodlighting, play areas, sports tracks
and associated landscape works.**

Report Author and contact details:

**Simon Thelwell (Planning Control
Manager) 01708 432685**

Policy context:

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

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	[X]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

This planning application proposes the demolition of an existing gymnasium building and the installation of a third generation (3G) all-weather football pitch;

multi use games area (MUGA); children's play area; natural children's play area; outdoor gym area; outdoor exercise track; central open space; running tracks; a dog walking area; a car park; new site access; landscaping works; and the erection of a pavilion building. It is concluded that in all material respects, the proposal would be acceptable.

The application is Council owned land.

RECOMMENDATIONS

That subject to the Environment Agency and the Council's Environmental Health officers having no significant objections to the proposal, authority be delegated to the Head of Regulatory Services to grant planning permission 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. Approved Plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

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

3. Highways - 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.

4. *Sports Facilities* - Notwithstanding the information on the submitted plans, no development shall commence until details of the design and layout of artificial grass pitch, which shall comply with the Football Association design guidance, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy

5. *Sports Facilities* - No development shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the commencement of use of the development and shall be complied with for the duration of the 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 Development Plan Policy

6. *Contaminated Land* – Following submission of a Phase 1 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 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing by the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with

situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

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

Reason:-

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

8. Materials – No development shall take place until details, including samples, of the proposed cladding materials relating to the pavilion building have been submitted to and approved in writing by the local planning authority.

The development shall thereafter be undertaken in accordance with the approved details and retained as such.

Reason:-

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

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

Reason:-

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

10. Cycle Storage - Prior to completion of the development 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.

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

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

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

Reason:-

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

12. Ecology – No development shall take place until a scheme detailing the installation of bat and bird boxes within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

In the interests of biodiversity and in accordance with Policy DC69 of the LDF.

13. Ecology – The development shall be undertaken in the accordance with the recommendations contained in the submitted Great Crested Newt Survey Report (May 2013); Reptile Survey Report (November 2012); Preliminary Ecological Survey (September 2012); and the Badger Survey Report (June 2013.)

Reason: In the interests of nature conservation and in accordance with the guidance contained in the NPPF.

14. Lighting – The development shall not be brought into use until the external lighting scheme has been provided in accordance with the submitted Planning Application Lighting Report (July 2013). The approved external lighting scheme shall be retained for the life of the development.

Reason:-

In the interests of designing out crime and in accordance with Policy DC63 of the Development Control Policies DPD.

15. Construction Times - 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.

16. Stockpiled Material – Any stockpiled materials for use during the course of the development s shall not exceed 3m in height.

Reason: To protect the visual amenities of the Green Belt and visual amenity generally, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

17. Hours of Use – The site shall only open to the public between the hours of 0800 and 2300 on Mondays to Fridays; 0800 and midnight on Saturdays; and 0800 and 2200 on Sundays, Bank, and Public Holidays.

The proposed 3G pitch shall only be used between the hours of 1000 and 2200, and the MUGA shall only be used between the hours of 1000 and 2100.

Reason:-

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

18. Parking – The proposed facility shall not be brought into use until the car park has been provided. The car park, to be constructed in accordance with the approved plans, shall be retained for the life of the development.

Reason:-

In the interests of highway safety and amenity, and in accordance with the Development Control policies Development Plan Document Policies DC61 and DC32.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the

applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. The Football Association design guidance can be obtained from www.thefa.com. The applicant is advised to contact Mark Liddiard, Regional Facilities and Investment Manager (East), the Football Association for advice on the design of the AGP. 07984 003466, mark.liddiard@TheFA.com.
4. Guidance on preparing Community Use Schemes is available from Sport England www.sportengland.org. The applicant is advised to contact Mark Liddiard, Regional Facilities and Investment Manager (East), the Football Association for advice on the content of the community use scheme in relation to the AGP. 07984 003466, mark.liddiard@TheFA.com.

REPORT DETAIL

1. Site Description

- 1.1 The application site is approximately 6.5ha in area and comprises land associated with the former Broxhill Centre, which was originally a school but later employed as a Council training centre, which became redundant around four years ago. A number of the former structures have already been demolished, leaving a gymnasium and bowling club building located towards the southern end of the site.
- 1.2 The site is located in the Green Belt and is designated in the LDF as forming part of the Broxhill and Whitworth Centres Site Specific Allocation. The northern half of the site is designated as a park/open space/playing field.
- 1.3 The site's western boundary mainly runs alongside Broxhill Road, beyond which is a site comprising numerous mobile homes; part of the western boundary, and its northern end, adjoins residential properties located on the eastern side of Broxhill Road. The northern boundary adjoins a residential property and open land including some storage buildings. The eastern boundary adjoins open land along with a residential property located on the northern side of Noak Hill Road. The southern Boundary mainly lies adjacent to Noak Hill Road, along with some residential properties at its eastern end.

1.4 The site's western boundary is located approximately 25m from the caravan site located along Sunset Drive. The proposed 3G pitches, would be located approximately 33m from the curtilages of the nearest mobile homes. The proposed MUGA would be located approximately 15m to the west of No.15 Noak Hill Road.

2. Description of Proposal

2.1 This planning application proposes the use of the land as a public park with sports facilities, involving the removal of the existing gymnasium building and the retention of the bowling club building along with the adjoining bowling green. The proposal would incorporate the recently refurbished sports pitches located in the northern area of the site. The following elements would be provided:

- i) The installation of a 3G all-weather football pitch in the south western part of the site, surrounded by 5m high, mainly mesh and net fencing.
- ii) A multi-use games area (MUGA) comprising four sports courts located at the eastern side of the site.
- iii) Children's play areas.
- iv) Outdoor exercise areas and running tracks.
- v) A fenced dog walking area located alongside Noak Hill Road.
- vi) A car park comprising 77 standard spaces and 10 disabled spaces, along with a new vehicular access onto Noak Hill Road.
- vii) The erection of a new pavilion building at the eastern side of the site, comprising a hall, club room, bar area and café, changing rooms and offices. The building would mainly be clad in timber and glazing, would measure approximately 77m x 17m in area; and would have a maximum height from ground level of approximately 8.5m.
- viii) Much of the existing fencing along the site's western and eastern boundaries would be retained, although new fencing is proposed, particularly around the southern end of the site, and surrounding the MUGA and 3G pitches.
- ix) Excess excavated material would be formed into landscaped mounded areas measuring up to 1.5m in height, in the south western and north western corners.
- x) The proposal would also include flood lighting to the MUGA, 3G pitch, and parking area.

3. Relevant History

The proposal under consideration relates to the requirement of Policy SSA2 that, should development come forward for the development of the former Whitworth site, that those sports and open space elements forming part of the former Whitworth and Broxhill sites, should be consolidated on the former Broxhill site.

P1558.11 - Demolition of existing buildings and redevelopment of the site to create 144 no. one, two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, garages, other ancillary structures and landscaping – Approved.

P0863.13 - Creation of 105 no. one and two bedroom apartments and two, three and four bedroom houses, plus associated roads, paths, car parking, ancillary structures and landscaping – Under consideration.

4. Consultations/Representations

4.1 Notification letters were sent to 158 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. Four representations have been received from neighbouring occupiers objecting on the grounds that the proposal would:

- a) Result in significant light pollution;
- b) Result in significant noise pollution, particularly associated with football matches;
- c) Would not include sufficient capacity within the proposed building for a pool table.

4.2 Consultees

Environment Agency - Comments awaited.

Sport England – No objections; conditions recommended.

Highway Authority - No objections; condition recommended.

Environmental Health - No objections; condition recommended.

Essex and Suffolk Water – No objections.

Designing Out Crime Officer – No objections; condition recommended.

5. Relevant Policies

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

DC18 (Protection of Public Open Space, Recreation, and Sports Facilities)

DC31 (Cemeteries and Crematoria)
DC32 (Road Network)
DC33 (Car Parking)
DC63 (Secured by Design)
DC45 (Appropriate Development in the Green Belt)
DC48 (Flood Risk)
DC59 (Biodiversity in New Developments)
DC61 (Urban Design)

Policy SSA2 of the Site Specific Allocations DPD

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

The National Planning Policy Framework (“the NPPF”)

The London Plan (2011) – Policy 3.19 (Sports Facilities)

6. Staff Comments

6.1 This proposal is put before Planning Committee as the application proposes major development in the Green Belt on Council owned land.

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

7. Assessment

7.1 Principle of development

7.1.1 Policy SSA2 of the LDF states that a redevelopment of the former Whitworth Centre site will be encouraged, and that sports and open space provision should be re-provided at the neighbouring, former Broxhill Centre site. Further requirements are that the proposal should be publicly accessible and enhance the openness of the Green Belt. The proposal under consideration is considered to be in accordance with Policy SSA2 of the LDF.

7.1.2 Policy DC18 of the LDF states that any loss of open space to a non recreation/leisure use, as is the case at the former Whitworth Centre site, should be accompanied by an improvement to the quality of open space in the vicinity of the site, or to remedying qualitative and quantitative deficiencies elsewhere in the borough. The proposal would involve a significant improvement to the provision of open space provision in the vicinity of the former Whitworth site, and to the extent that the proposal is considered to be in accordance with Policy SSA2, it is also considered to be in accordance with Policy DC18.

7.1.3 This planning application proposes the change of use of land, along with engineering and building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including outdoor recreation, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.

7.1.4 National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.5 Each type of the proposed development will be considered in turn.

Material Change of Use

7.1.6 It is considered that the proposed change of use, which would result in the creation of outdoor sport and recreation facilities, would not be significantly detrimental to the openness of the Green Belt compared to the extant use of the site as a school and latterly a training centre, along with a recreational ground. However, the guidance contained in the NPPF is silent in relation to material changes of use. As this type of development is not listed as potentially constituting appropriate development in the Green Belt, the implication is that the proposed change of use would constitute inappropriate development in the Green Belt. Very special circumstances therefore need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness.

Building Operations

7.1.7 Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt need not be inappropriate where they relate to the provision of appropriate facilities for outdoor sport and recreation, providing they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed pavilion would include changing room facilities, a hall, club room, bar and café. Given the scale and nature of the overall site, it is considered that the proposed pavilion would not result in a disproportionate addition and that its facilities, which

are of a modest nature, would be appropriate to what would be a significant outdoor sport and recreation facility within the borough.

7.1.8 The proposal would result in a number of other building operations, including the erection of fencing and floodlights; these are considered to be minor additions to the landscape in relation to the overall site area and are, in any case, located towards the southern end of the site, near to the public highway and an area exhibiting a more urban character. These building operations are considered to be appropriate for an outdoor sport and recreation facility.

7.1.9 Whilst the aforementioned building operations are considered to be appropriate to facilitate an outdoor sport and recreation facility, given their scale, it is not considered that they would, in themselves, maintain the openness of the Green Belt. Nevertheless, compared to the site's previous development, which included a complex of larger buildings along with an extant gymnasium, which is to be demolished, it is considered that the proposal would enhance the openness of the Green Belt, in accordance with Policy SSA2 of the LDF.

Engineering Operations

7.1.10 Paragraph 90 of the NPPF states that the undertaking of engineering operations in the Green Belt need not be inappropriate providing they maintain the openness of the Green Belt and not conflict with the purposes of included land within it.

7.1.11 The proposed development would result in land raising works in the south western and north western corners of the site, up to 1.5m in height and covering around 0.8ha in area. The proposed engineering operations, which would employ excavated material from within the site, would form an integral part of an overall development, which it is considered would enhance the openness of the Green Belt in this location. The raised areas would be landscaped and blend in with the surrounding land. To the extent that these operations would form part of a wider development, which enhances the openness of the Green Belt, it is considered that they would not constitute inappropriate development in the Green Belt.

7.2 Visual Impact

7.2.1 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. However, the requirements of this policy need to be balanced against the provisions of Policy SSA2 of the LDF, which allocated the site for the proposed use.

7.2.2 The proposed development would result in the creation of an outdoor sports and recreation facility, including building and engineering operations. The proposed use would generally have an open character, and where buildings are proposed, their scale would be modest when considered in relation to

the site as a whole. The proposed building operations would generally take place towards the southern end of the site, where the site comes into contact with more urban development. Moreover, the proposal replaces a former school and latterly a training centre, which had a greater impact on the open character of the area and the visual amenities of the Green Belt than what is under consideration.

7.2.3 It is considered that the proposal would be acceptable, subject to the use of the following conditions. It is recommended that conditions be imposed, should planning permission be granted, requiring the approval of details relating to landscaping, building materials, bicycle storage, and refuse and recycling storage.

7.3 Amenity

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

7.3.2 The nearest residential properties to the proposal would include mobile homes located approximately 30m to the west of the proposed 3G pitches, and a residential property located approximately 15m from the proposed MUGA. Acoustic fencing is proposed as part of the scheme and the submitted noise survey indicates that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers. However, this is based on average noise levels measured over given periods of time. In practice, there are likely to be peak noise levels associated with sports uses, which would be audible at neighbouring residential properties.

7.3.3 The Council's Environmental Health officers have recommended that further survey works be undertaken to corroborate the findings of the submitted report. To this end, a condition has been recommended, however, it is considered that a decision should not be made on the application until it is known whether the proposal would be significantly harmful or not. The applicants have therefore been advised to submit further information for the consideration of officers.

7.3.4 The applicants propose to limit the use of the MUGA and 3G pitch, the uses of which are likely to generate the most noise, to the hours of 10am to 10pm for the 3G pitch, and 10am to 9pm for the MUGA. A condition is recommended to limit the use of the facilities to these times, however, Members may wish to further limit the use of these facilities in consideration of the potential impacts on neighbouring occupiers.

7.3.5 Given the nature of the proposal, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers in terms of overlooking, loss of outlook, or loss of light.

7.3.6 The proposed use of flood lighting would have the potential to cause light pollution impacts in the surrounding area. The submitted lighting

assessment and plans indicate that the external flood lighting would be set on 8m high masts and would be orientated to face into the relevant areas of activity. Backlight shields would be employed to reduce glare and when the vegetation in the surrounding area is considered, the report concludes that light spill from the site will not cause significant harm either to neighbouring residential properties or public highway users. Moreover, it is proposed that the flood lights will be turned off as soon as the use of the relevant sports areas ceases.

7.3.7 Subject to acceptable arrangements being in place to address potential noise impacts, the proposal is considered to be acceptable in terms of amenity, and would be in accordance with Policy DC61 of the LDF.

7.4 Access Considerations

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

7.4.2 The proposal would result in the creation of a new vehicular access onto Noak Hill Road, with the existing access from Broxhill Road being employed for servicing purposes. The proposed car park would include 77 standard spaces and 10 disabled spaces. The Council's Highways officers have considered the proposal and have raised no objections to it subject to the use of a condition, which should be imposed should planning permission be granted. In the absence of any objections from the Highway Authority, it is considered that the proposal would be in accordance with Policies DC32 and SSA8.

7.5 Environmental Considerations

7.5.1 The Council's Environmental Health officers have recommended the use of conditions relating to contaminated land and air quality. The requirement for an air quality assessment is considered to be neither reasonable or necessary given that the proposal would have less than 200 parking spaces and given the previous use of the site.

7.5.2 A flood risk assessment was submitted as part of the proposal, which, at the time of writing, is still being considered by the Environmental Agency. Subject to the Environment Agency having no significant objections to the proposal, it is considered that it would have an acceptable impact in relation to flood risk and drainage arrangements in the area.

7.5.3 Various ecological reports have been undertaken in relation to protected species; it is recommended that a condition be applied requiring that the development be undertaken in accordance with the recommendations contained in those reports. A further condition is recommended requiring the approval of details relating to biodiversity enhancements, in accordance with Policy DC59 of the LDF.

7.7 Other Considerations

7.7.1 The Council's Designing Out Crime Officer has raised no objections to the proposal subject to the use of conditions, which should be imposed if planning permission is to be granted.

7.8 Very Special Circumstances

7.8.1 As discussed earlier in this report, it is considered that the proposed development, by virtue of the guidance contained in the NPPF, would be harmful to the Green Belt, by reason of inappropriateness.

7.8.2 In this case it is considered that there are sufficient very special circumstances to justify the proposal. The site is allocated in the Development Plan for use as an outdoor sports and recreation in association with the residential development at the neighbouring Whitworth site. The proposal would result in a significant improvement to the quality and quantity of recreation facilities in the borough, and would result in a visual and environmental improvement to the site compared to what previously occupied it.

8. Conclusion

It is considered that there are very special circumstances to justify inappropriate development in the Green Belt in this case, and in all other respects, officers consider the proposed development to be acceptable, having had regard to Policies DC18, DC31, DC32, DC33, DC45, DC47, DC48, DC59, DC61, DC63, and SSA2 of the LDF, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

Disabled users will be accommodated by the proposed development.

BACKGROUND PAPERS

Application form
Supporting documentation and plans

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REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

P0919.13 – Parsonage Farm Primary School, Farm Road, Rainham

Single storey extension, new car park, relocation of a garage and associated landscaping (Application received 24th 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 matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a single storey extension, new car park, relocation of a garage and associated landscaping. Staff consider the application to be acceptable and recommend its approval subject to conditions.

RECOMMENDATIONS

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

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

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

2. Materials – The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

4. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the parking area shall be submitted to and approved in writing by the Local Planning Authority and thereafter the parking area 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 the interests of highway safety.

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

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

6. Wheel scrubbing - 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.

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

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

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

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. 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.

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 StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public

footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

REPORT DETAIL

1. Site Description

- 1.1 The application site is Parsonage Farm Primary School which is located on the southern side of Farm Road. There are playing fields to rear of the school building, which separates it from surrounding residential properties. The application site is located within a predominantly residential area and is joined on four sides by residential properties with associated rear gardens.

2. Description of Proposal

- 2.1 The application seeks permission for a single storey extension that comprises of three classrooms with toilets. The extension would have a width of 21.6 metres, a depth of 10.5 metres and a height of 5 metres with a pitched roof. The proposed materials for the extension are facing brickwork, red roof tiles and powder coated aluminium windows.
- 2.2 The proposal includes relocating a garage adjacent to the southern boundary of the site.
- 2.2 At present, there are 6 car parking spaces. The proposal involves the creation of a new staff car park in the western corner of the site with 36 car parking spaces to provide a total of 42 car parking spaces with associated landscaping. The car park would be accessed from Allen Road with electric controlled barriers.
- 2.3 Parsonage Farm Primary School is currently a two form entry school, providing educational requirements for approximately 420 children aged 5 to 11 years old from the surrounding local areas. Due to taking on bulge classes in 2012/3, the school is currently operating a three form of entry to reception and year 1 only. In recent years, there has been an increase in the birth rate in the south east of the country, resulting in pressure on the current educational premises and an urgent need for additional school places across the borough to fulfil the authorities' basic legal responsibilities.
- 2.4 A desktop analysis revealed that the school's existing accommodation is in excess of the requirements of a two form of entry school and this same analysis identified Parsonage Farm Primary School has been identified for expansion to provide the required additional school places in this area of the borough. It is proposed to increase the school intake permanently from a two form of entry to a three form of entry and raise the number of places from 420 to 630.

3. Relevant History

3.1 P0079.13 – Single storey extension – Approved.

P1272.05 –Single storey extension to existing School, incorporating a classroom, staffroom, library and toilets with link under cover/walkway– Approved.

4. Consultations/Representations

4.1 Notification letters were sent to 32 neighbouring properties. No letters of representation have been received.

5. Relevant Policies

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car parking), DC34 (Walking), DC35 (Cycling) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 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.

6. Staff Comments

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

6.2 Principle of Development

6.2.1 The proposal is for an extension to provide three classrooms, a car park, relocate a garage and associated landscaping. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 Design/impact on street/Garden scene

6.3.1 It is considered that the single storey extension would not be harmful to the streetscene, as it would be located in between two school buildings to the rear of the site and within the school grounds. It is considered that the single storey extension has been designed in sympathy with the existing school buildings. Staff consider that relocating the garage would not adversely affect the streetscene, as it would be set back approximately 28 metres from Allen Road. It is considered that the car park would not be harmful to the streetscene, as it would be partly screened by the trees that adjoin the playing field on the western boundary of the site, the electric gates and a 2m high fence.

6.4 Impact on amenity

- 6.4.1 It is considered that the extension would not be harmful to residential amenity, as it is single storey, would be located in between two school buildings and approximately 81 metres from the western boundary of the site. It is recognised that an additional two hundred and ten pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site.
- 6.4.2 It is considered that the car park would not result in a significant loss of amenity to neighbouring properties, as there would be a separation distance of between approximately 24 and 27 metres between the car parking spaces and the rear elevation of neighbouring properties in Farm Road. It is noted that No.31 Farm Road has a single storey outbuilding in its rear garden, which may help to mitigate the impact of the car park. There would be a separation distance of between approximately 19 and 21 metres between the car parking spaces and the front elevation of neighbouring properties in Allen Road. It is noted that the parking spaces are for staff and therefore, they will only be used during term time and would not be in constant use. It is considered that the fencing on the boundaries of the site would help to buffer the noise from the play areas and the car park.

6.5 Highway/parking issues

- 6.5.1 At present, there are 6 car parking spaces. The proposal involves the creation of 36 spaces to provide a total of 42 car parking spaces. The Highway Authority has not raised any objection but has asked for certain conditions to be added in the event of an approval.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey extension, new car park, relocation of a garage and associated landscaping would be acceptable. Staff are of the view that the proposal would not have an impact on the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Plans and application form received on 24th July 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

P1077.13 – The Print Room, Town Hall,
Main Road, Romford – single-storey
extension (received 2 September 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This report concerns an application for an extension to the existing print room at the Town Hall. The application site is Council owned. Staff consider that the proposal would accord with policies relating to Listed Buildings and environmental issues contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and it is therefore recommended that planning permission be granted.

RECOMMENDATIONS

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

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

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

2. External materials: The extension shall be built in the materials listed in the planning application form.

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

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

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

4. Non-use of flat roof area: The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVES

1. 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.

Mayoral CIL

The proposed development is for under 100 sq.m of floorspace and therefore no CIL is payable.

REPORT DETAIL

1. Site Description

- 1.1 The application site forms part of the Town Hall complex which is located to the north of the Main Road and St Edwards Way highway junction and consists of Havering Town Hall and its associated outbuildings and car parks. The Town Hall building is two/three stories in height and a Grade II Listed Building. The part of the site which this application relates currently houses the Print Unit in a single-storey pre-fab located to the north-east of the main building. The Print Room unit is located to the rear of the Town Hall with access from Park End Road.
- 1.2 The application site is located within Romford Town Centre. The part of the site to which this application relates is adjoined to the east by the rear garden areas of residential properties.

2. Description of Proposal

- 2.1 The proposal is for the erection of a single-storey flat roof extension to the existing print room. The extension would be 3.15m wide by 4.4m long with a roof height of 2.8m above ground level.
- 2.2 The applicant advises that there is a corporate desire to share services with Newham (reducing costs), and the print section is at the forefront of this desire. As a result of this, Havering printing services are carrying out more and more work across the 2 Authorities and need to install additional print machines and create additional storage to cater for this additional demand. Therefore the existing print unit is to be re-modelled internally, with the office space lost and turned over to storage. 4 of the existing ICT Officers can share with GMB and Unison but it is necessary to create the small extension to accommodate the 2 Print Room Managers. It is intended to construct the small extension from materials to match those used in the existing Print Unit and to site it in the least prominent position.

3. History

- 3.1 None relevant.

4. Consultation/Representations

- 4.1 18 neighbouring occupiers were notified of the proposal, a site notice was posted and a press notice was placed in a local paper. At the time of drafting

the report the consultation period had not yet ended and there have been no responses at this stage. Any objections received will be reported orally at the Committee Meeting.

- 4.2 The London Fire Brigade (water office) have written that they are satisfied with the proposal.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact on the setting of the Listed Building, its impact in the streetscene, on residential amenity and parking/highways. As such, Policies DC12, DC26, DC33, DC61 and DC67 of the Local Development Framework Core Strategy and Development Control Policies Development Plan are relevant. Also relevant are London Plan Policies 3.16, 4.2, 6.13, 7.4, 7.6 and 7.8 and the NPPF.

5.2 *Principle of development*

- 5.2.1 The proposal is for an extension to the existing Council print room to provide a staff office which will enable greater sharing of facilities resulting in cost savings to the Council and Council Tax payers. Policy DC12 of the LDF indicates that offices will be acceptable in the Town Centre.

- 5.2.2 It is considered that the proposed extension would improve the existing facility which supports the Council's ability to undertake its role as Local Authority. Staff consider that the proposal would be acceptable in principle, subject to impact being within acceptable limits.

5.3 *Design/Impact on Streetscene/rear garden environment*

- 5.3.1 The proposed extension would be single-storey and relatively small and, as it would be located behind the existing garages, some 115m from the nearest highway, Park End Road, Staff consider that there would be no impact on visual amenity in the streetscene.

- 5.3.2 The Print Room unit is located close to the rear gardens of properties in Dickens Way and Brunel Close. The proposed extension would be located more than 12m away from the side elevations of these adjoining residential properties. Given these distances and the single-storey height of the extension is 2.8m above ground level, Staff consider that there would not be any physical adverse impact in the rear garden environment from the proposed extension.

5.4 *Impact on the setting of the Listed Building*

- 5.4.1 The proposed extension is less than 14 sq.m and would be located some 52m away from the main Town Hall building, the Listed Building, behind another existing outbuilding. Of themselves these single-storey outbuildings are not of a particularly high level of design or materials, the proposed

single-storey extension would sit between two of these buildings and be of similar materials.

5.4.2 Whilst it is preferable that new development should look to enhance the setting of the Listed Building, given the current economic squeeze on Local Authorities and that it would at least preserve the setting of the Listed Building, it is considered that it would be acceptable in respect of impact on the Listed Building.

5.5 *Impact on Residential Amenity*

5.5.1 The nearest residential properties are those to the east and north closest to the Print Room to the rear of the Town Hall. Specifically, the nearest would be located approximately 12m away.

5.5.2 The proposed office would not accommodate any print room equipment such that it is not considered that any additional noise would result from the proposed office use that would have an adverse impact on existing residential amenity.

5.5.3 The Print Room operating hours are not intended to alter. The proposal is for a staff office and Staff do not consider that the proposal would result in any significant adverse impact on residential amenity.

5.5.4 The proposed extension would be single-storey with a flat roof. Staff consider that a suitable condition could be attached to prevent the use of the roof as an amenity area, and as such there would not be any overlooking or privacy issues raised.

5.6 *Highway/Parking*

5.6.1 There is no specific parking requirement for this particular use. The Council's main staff car-park is located with the Town Hall grounds and it is not considered that any additional parking space would be required in connection with the extension. There are no highways objections to this scheme.

6. **Conclusions**

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

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

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

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

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

BACKGROUND PAPERS

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

P1003.13 – 44 Herbert Road, Emerson Park – Section 73 Application to vary condition 8 of Planning Application P0169.13 (accordance with plans) - Demolition of existing building; redevelopment of site to form three detached dwellings, formation of vehicular access and car parking (received 08/08/13)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input 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 enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This report concerns an application for the variation of a condition relating to plans attached to planning approval P0169.13. The original application was for the demolition of the existing dwelling and the erection of three detached houses with new access road and car parking. The current proposal is for amendments in the form of a single-storey addition to the rear of the proposed garages so that they align with the proposed rear elevations of the properties and some fenestration changes to the elevations; the latter would not involve any more openings to the rear or dormer windows.

The proposal has been called-in Councillor Ron Ower has called-in the application due to the planning history of the site and the Emerson Park local Policy. Applying judgement in respect of the proposed garden depths, Staff consider that the changes are minor in nature and would be acceptable, nonetheless the proposal also requires a variation to the signed legal agreement to insert the new application number and therefore approval is recommended, subject to conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

-That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,117m² (which excludes the existing dwelling's 304 sq.m) which equates to a Mayoral CIL payment of £22,340 (subject to indexation). Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

-That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 18 June 2013 in respect of planning permission P0169.13 by varying the definition of Planning Permission which shall mean either planning permission P0169.13 as originally granted or planning permission P1003.13.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 18 June 2013 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 18th June 2013 will remain unchanged.

That Staff be authorised that upon the completion of the legal agreement that planning permission be granted subject to the following conditions:

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

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

2. 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.

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

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

4. 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Prior to completion of the development 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.

6. The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new

properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority. In addition, until the proposed hedging to the eastern boundary attains the height of at least 1.8m, a screen fence of 2m in height shall be maintained on that boundary.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

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

9. .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.

Reason: To protect residential amenity

10. Prior to commencement, a landscaping plan should be submitted showing all hard and soft landscaping. Once approved in writing by the Local Planning Authority, all planting, seeding or turfing 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

11. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority, in order that the development accords with Policy DC60 of the LDF Core Strategy and Development Control DPD and SPD on the Protection of trees during development. Such a scheme shall contain

details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

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

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in 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. Before commencement of the proposed development, 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. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

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

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

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

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

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

17. 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 Class A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), 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.

18. 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 388:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with the LDF Core Strategy and Development Control Policies DPD Policy DC53.

19. The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and whether remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 12, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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

requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

4. 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.
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.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of **1,117m²** (which excludes the existing dwelling's 304 sq.m) which equates to a Mayoral CIL payment of **£22,340** (subject to indexation). Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a single-storey detached dwelling with accommodation in the roofspace and some outbuildings including a double garage at 44 Herbert Road. The site is located to the southern side of Herbert Road, on the western side of its junction with The Lombards. The site is within Sector 6 of the Emerson Park Special Policy Area. The site area is 0.48 ha. There is a relatively new fence to the south of the application site, beyond which is an area of land which appears to be part of the rear garden of No.44 Herbert Road.
- 1.2 The surrounding area otherwise is of large mainly 2 storey detached houses on large plots fronting onto Herbert Road, including some recent new-builds, and to The Lombards and Fairlawns Close on generally smaller plots also within Sector 6. There are smaller properties on smaller plots to the rear in Channing Close and Beverley Close (in Sector 5).
- 1.3 TPO 16/06 covers the application site. There are a large number of trees on site to the boundaries and rear garden area.

2. Description of Proposal

- 2.1 The proposal is for a variation of condition to allow minor amendments to the scheme. Specifically this includes the substitution of plans showing the garage floor areas to be increased by extending on one storey to the rear to align with the approved rear elevations of the properties and changes to the fenestration/doors to the elevations. The original consent was (planning ref. P0169.13) for demolition of the existing buildings including the existing dwelling and construction of 3, 2-storey houses with a new access road, car parking and amenity space. For completeness and as the whole proposal is submitted for consideration, this report is unchanged from that of the earlier approval, except where the proposed amendments result in an impact.
- 2.2 There is no change to the proposed layout with the spine road to the west of the application site. The proposed dwellings would be laid out with one fronting onto Herbert Road and the other 2 facing west towards the spine road. Plot widths are unchanged with a minimum width of 32m with a depth of 31.5m – 39m.

The houses themselves would not see any extensions and would remain at approximately 14.4m wide and 15.6m deep at ground floor with the upper floor being a maximum of approximately 11.6m deep with a fully pitched roof with a maximum ridge height of 11m above ground level with front gables and rear dormer windows.

- 2.3 The proposed change to the rear of the building is an increase in the depth of the double/triple garages by 1m such that they would align with the rear elevations of the previously approved properties. The scheme would not result in any change to the minimum depths or widths of the rear amenity areas which would remain as between 10m and 12m deep and 24m-32m wide.
- 2.5 There would be no changes to the access road or turning head and the previous tree planting plan would not be affected.
- 2.6 A Tree Report and Ecological Survey were submitted with the original application.

3. **History**

- 3.1 P1870.11 – demolition of the existing bungalow and construction of 6 detached houses with associated vehicular access and landscaping – refused 9/2/12; subsequent appeal dismissed 7/8/12.
- 3.2 P0680.12 – Demolition of existing building redevelopment of site to form four detached dwellings, formation of vehicular access and car parking – refused 30/10/12 for the following reasons:

1. The proposal, by means of the number and size of dwellings and the arrangement of garden space around them, would represent a cramped overdevelopment of the site, out of keeping with the spacious setting of the surroundings properties and street scene and therefore harmful to the character and appearance of the Emerson Park area, contrary to the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.

2. The proposal would fail to make a contribution towards the local infrastructure costs arising from the proposed development, contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the Draft Planning Obligations Supplementary Planning Document.”

The subsequent appeal was dismissed.

- 3.3 P0169.13 - Demolition of existing building; redevelopment of site to form three detached dwellings, formation of vehicular access and car parking – Approved 18/6/13

4. **Consultation/Representations**

- 4.1 47 neighbouring occupiers were notified of the proposal. There were 4 replies objecting to the proposal on the following grounds:
– any changes will only be acceptable if the proposal does not involve any enlargements to the approved windows or to the building’s dimensions or result in any re-siting of the proposed properties

- the proposal is not easy to verify however any increase in the height of the building would be objectionable
- the whole scheme is unacceptable, the proposed minor amendments do not make it acceptable; all objections raised previously also apply to this application

- 4.2 Thames Water has written to advise that they have no objection with regard to sewerage infrastructure. Essex and Suffolk Water indicate that their apparatus does not appear to be affected by the proposed development and given consent subjected to a new water connection being made to their network for each new dwelling.
- 4.3 The Metropolitan Police Crime Prevention Design Advisor has written to request the addition of a condition and informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage if permission is granted. This has been communicated to the applicants.
- 4.4 The Fire Brigade (LFEP) indicate that they are satisfied providing the access road is a minimum width of 3.7m between kerbs throughout its length.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP4, CP17, DC2, DC4, DC33, DC35, DC36, DC53, DC55, DC60, DC61, DC63, DC69 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, and the SPDs on Emerson Park Policy Area, Residential Design and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF. The Planning Inspector's Decision letters in relation to the dismissed schemes are also relevant.

5.2 *Principle of development*

- 5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the existing urban area. The National Planning Policy Framework (NPPF) indicates that back gardens do not form "brownfield" sites. The NPPF does not however preclude all development of back gardens and if there are material circumstances which suggest that development might be appropriate then this can be considered as justification for back garden development. The proposal is for a minor change which would alter existing fenestration details and increase the proposed garages by 11 sq.m such that Staff consider that the proposal would remain acceptable in principle.

5.3 *Density/Site Layout*

- 5.3.1 The proposed amendment would neither affect the approved density nor the proposed site layout which remains acceptable in respect of Policy DC29 which indicates that the density ranges in Policy DC2 do not apply in the Policy Area.
- 5.3.2 The Supplementary Planning Document on the Emerson Park Policy Area sets out specific criteria for Sector 6 in which the application site is located and is typified by medium and large dwellings in spacious well landscaped grounds. Infill development will be permitted in this sector provided it does not give a cramped appearance to the street scene and its massing and architectural style is in keeping with surrounding properties. Redevelopment of a number of properties or backland development generally results in increased density and reduced rear garden lengths, both of which are harmful to the special character of Sector 6, and such proposals will not normally be permitted.
- 5.3.3 In relation to new dwellings in this sector the following criteria apply:
- Be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties.
 - Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area;
 - Be of detached, single family, large and architecturally varied dwellings;
 - Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.
- 5.3.4 The proposed amenity space would be reduced slightly by the proposed change in the garages size. Nonetheless the amenity space for each property ranges from approximately 550sq.m to around 720sq.m and many existing trees would be retained. Staff consider that the proposed gardens would remain appropriate in respect of the nature and size of the proposed units and would be commensurate with the Emerson Park Policy in respect of spaciousness.
- 5.3.5 Staff consider that the proposed density would remain unaltered and remains acceptable.
- 5.3.6 The proposed small increase in size would not change the earlier conclusions that the scheme would need the minimum space standards set out in The London Plan at Policy 3.5 (Table 3.3).
- 5.3.7 The proposed amendment would slightly increase the footprint of the houses and slightly reduce the amount of rear amenity space, nonetheless, Staff consider that this is acceptable.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The Sector 6 guidance is that “In relation to new dwellings in this sector the following criteria will apply:

- Be of detached, single family, large and architecturally varied dwellings;
- Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

5.4.5 There would be no change to the form of development, plot widths or relationship with the side boundaries. The current application proposes changes to fenestration details and a small extension to the rear of the garages which Staff consider would maintain the characteristic spaciousness of the locality.

5.4.6 There would be no change to the approved details relating to the trees to be retained which are protected under the Tree Preservation Order 16/06. Staff remain of the view that while limited, the retention of existing trees, together with the provision of a new hedge with other new landscaping would ensure that the proposal has an acceptable impact on visual amenity in the streetscene. A suitable condition is proposed to be attached to any grant of planning permission to ensure that new landscaping becomes established.

5.4.7 Staff therefore consider the approved large 2-storey houses with some accommodation in the roof space would not be altered significantly by the small extension to the garages and would remain similar to other development in the vicinity such that it would not result in harm to local character.

5.5 *Impact on Amenity*

5.5.1 There are existing residential occupiers to the east, west and north (on the opposite side of Herbert Road). The proposed single-storey extension to the garages would not, in Staff’s view, bring the houses closer to existing properties than the approved rear elevations and the proposed fenestration changes would similarly not result in changes which would reduce the amenities of adjoining residential occupiers in either of the two cul-de-sacs of The Lombards and Fairlawns Close. The Planning Inspector considered in relation to the dismissed scheme for 6, 2.5-3 storey houses that “with appropriate boundary treatment sufficient separation would be retained from existing properties to avoid material loss of privacy or overshadowing.”

5.5.2 There are no proposed changes to the boundary treatment and given the existing separation distances and that no new window openings would be formed or dormers inserted in the rear elevation/roof slopes, Staff consider that there would be no material loss of privacy or overshadowing, such that there would be no undue harm to residential amenity from the proposed revised scheme.

5.5.3 A suitable condition will be attached to ensure that noise during construction is kept to a reasonable level. There is no change to approved noise insulation details which would be required by a suitably-worded condition to prevent the occupiers being affected by noise caused from outside.

5.6 *Highway/Parking/Servicing*

5.6.1 There are no changes proposed which alter the provision of car parking, cycle parking or refuse vehicle access.

5.6.2 There are no highways objections to the proposed development.

6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations, totalling £12,000 (2 additional houses). This contribution has been previously secured by way of legal agreement in connection with the earlier planning permission.

7. *Mayoral CIL*

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,117m² (which excludes the existing dwelling's 304 sq.m) which equates to a Mayoral CIL payment of £22,340 (subject to indexation).

8. *Other Issues*

8.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.

9. **Conclusions**

9.1 The proposal is for a variation of condition to introduce minor alterations to the approved scheme. The proposal would increase the size of the garages by approximately 11sq.m each. Staff do not consider that this would result in any further impact. Similarly the proposed changes to the windows/doors to the building would not result in any further impact on residential amenity such that Staff consider the scheme which is for the demolition of a single house and its replacement with 3 houses together with a new cul-de-sac road remains acceptable in principle and in all other respects in accordance with Policy DC2, DC3, DC33, DC60, DC61, DC69 and DC72 of the LDF Core Strategy and Development Control Policies and SPDs on Emerson Park Policy Area, Landscaping and Residential Design.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 8/8/2013.

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REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

P1557.12 – R/o 189 High Street, Hornchurch (fronting Fentiman Way)– Demolish single storey building and erect a two-storey residential mews development providing 4, three-bedroom houses (with accommodation in the roof space) with on-site parking for 4 vehicles and landscaped courtyard (received 16 January 2013; revised plans received 28 May 2013 and 7th October 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance

Financial summary:

None

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

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

SUMMARY

This report concerns an application to demolish a single storey building and erect a two-storey residential mews development providing 4 No. three-bedroom houses (with accommodation in the roofs space) with on-site parking for 4 vehicles and landscaped courtyard. Staff consider that the proposal would accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 438m² which equates to a Mayoral CIL payment of £8,760 which is subject to indexation.

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

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

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

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

2. External Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), in particular the fine details for the building in the Conservation Area, 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 St Andrew's Conservation Area.

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

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

4. Refuse storage 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. 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.

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

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

7. External Lighting Details: Prior to completion of the works hereby permitted, details of additional external lighting in the passageway between the rear

door and the cycle/refuse store which shall have previously been submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of residential amenity and public safety in accordance with Policies DC61 and DC63 of the LDF Core Strategy and Development Control Policies DPD.

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

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

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

Reason: To protect the visual amenities of the development and to ensure that a safe and secure environment is provided for further occupiers and in order that the development accords with Policies DC61, DC63 and DC65 of the LDF Development Control Policies Development Plan Document.

10. External Noise/Odour: Before any development is commenced, a scheme for protecting the proposed dwellings from noise and /or odour from adjacent commercial uses and activities shall be submitted and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

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

11. Construction Hours: 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.

12. Contaminated Land:

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

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

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

13. Contamination: 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.

14. Contamination – soils: 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

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

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

16. Means of access: No part of the building shall not be occupied until a means of vehicular/pedestrian access has been constructed in accordance with the approved plans.

Reason: In the interests of the travelling public.

17. Visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

18. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing

trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

19. Removal of permitted development allowances: 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 Class A, B, C, D or E, 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.

20. 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.

INFORMATIVES

1. Community Safety - Informative:

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

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

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

4. 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.s 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 site, which is currently an irregular-shaped area of hardstanding, is located to the rear of the Prezzo restaurant (formerly known as the King's Head Public House) and previously formed the car park to the pub/restaurant. The area is currently used (under a temporary consent) for the hand-washing of vehicles. The site area is approximately 0.08 hectares.
- 1.2 The application site forms the furthest western point of the St Andrew's Conservation Area which includes all of the Listed restaurants fronting onto High Street and is centred around St. Andrew's Church which lies to the east of the application site.
- 1.3 Prezzo Restaurant forms one of a row of Listed Buildings which are all in commercial use and front onto High Street.
- 1.4 The site lies within Hornchurch Town Centre where there are a mix of commercial uses to the ground floor with some residential above. To the rear of the site is Fentiman Way, which is a service access to the commercial units fronting onto High Street and North Road. On the opposite side of Fentiman Way is a block of older people's accommodation known as Goldsmere Court and to the north-east, residential properties in Beredens Close. To the north-west of the application site is a large public car park.
- 1.5 There is an existing vehicular access from the application site onto Fentiman Way which is a two-way rear service access road which links to North Road to the north west of the application site. There is also an existing pedestrian access onto High Street.

2. Description of Proposal

- 2.1 The proposal would involve the demolition of a single storey building and the erection of a two-storey residential mews development providing 4 No. three bedroom houses (with accommodation in the roof space).
- 2.2 The block would be at an angle to and front onto Fentiman Way and would be set back between 3.9m and 9.7m from the carriageway, behind a new 1.8m wide footway. The two middle properties would be slightly (by 1.3m) staggered back. At its closest point the building would be just over 11m from the rear of "Prezzo".

- 2.3 The building would be 20.35m wide, 9.8m deep with a pitched roof with a ridge height of 9.55m above ground level with gabled side elevations. Accommodation would be provided on three levels and dormer windows would be provided to the rear elevation with roof-light windows to the elevation fronting onto Fentiman Way.
- 2.4 The proposal would include a shared, landscaped courtyard of just over 300sq.m with direct access from each of the 4 Mews properties. There would be gated pedestrian accesses from the courtyard to Fentiman Way and to High Street.
- 2.5 There would be on-site parking for 4 vehicles with vehicle accesses onto Fentiman Way and a cycle store would be provided in the courtyard area.
- 2.6 The proposal would also include the realignment of the existing private right of access to Prezzo's which provides for servicing the restaurant.

3. History

- 3.1 P1403.12 - Variation of condition 1 of planning permission P1127.09 to allow the temporary change of use to a car wash to be continued – Approved (temporary period)
- 3.2 P1127.09 - Change of use to temporary car wash – Approved (temporary period)
- 3.3 P0289.09 - Change of use to temporary hand car wash – Withdrawn
- 3.4 P2328.06 - Revised application for 3 parking bays with external A3 dining area and replacement of side window with door to side elevation – Approved
- 3.5 L0013.06 - Listed building consent for revised application for 3 parking bays with external A3 dining area - Approved

4. Consultation/Representations

- 4.1 135 neighbouring occupiers were notified of the proposal. A site notice was posted and a press notice was placed in a local paper. There were 2 replies objecting to the scheme on the following grounds:
- The proposal for residential use would put unacceptable pressure on the surrounding A3 Uses (Mandarin Palace, Umbertos, Bar V) to reduce existing noise and activity associated with their existing late night and music licences, bottle and other collections and generally late opening in this “entertainment sector”
 - Adverse impact on the listed buildings
 - Overdevelopment of this small site
 - Overshadowing of the listed building
 - Not a suitable alternative to the temporary car wash

Following notification of revised plans, a further objection was received reiterating earlier comments.

- 4.2 Thames Water have written to advise that they have no objection with regard to sewerage infrastructure and remind the developer that it their responsibility to make proper provision for surface water drainage.
- 4.3 The Metropolitan Police Crime Prevention Design Advisor has written to advise that secured by design measures have been incorporated and asks that a condition and informative regarding Secured by Design and ones for external lighting and details of cycle storage and boundary treatments are attached if permission is granted.
- 4.4 The Fire Brigade (LFEDA) indicate that they are satisfied with the proposals.
- 4.5 English Heritage has responded that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

5.1 Staff Comments:

- 5.1.1 The issues are the principle of the use, its impact in the streetscene, on the character and appearance of St Andrew's Conservation Area, on the adjoining Listed Buildings (Prezzo to 197 High Street) and on residential amenity and highways (including servicing)/parking.
- 5.1.2 Policies CP1, CP4, DC2, DC3, DC33, DC35, DC36, DC61, DC63, DC67, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, SPDs on Residential Design, Residential Extensions and Alterations, Landscaping, Heritage and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7, 6.5, 6.10, 6.13, 7.3, 7.4, 7.6, 7.8 and 8.3 and the National Planning Policy Framework.

5.2 *Principle of development*

- 5.2.1 Policy CP1 indicates that brownfield land will be prioritised for housing development and Policy CP4 indicates that town centres are the focus of community life and offer a diverse mix of uses. Within Hornchurch District Centre this list of uses includes residential accommodation. The existing site was formerly part of the Prezzo site providing a car parking area, and more recently has been used as a hand-car wash on a temporary basis. The site is therefore classified as brownfield land and Staff consider that the proposal would be in line with both Policies CP1 and CP4.
- 5.2.2 Policy DC68 relates to development within Conservation Areas. The Policy does not preclude development providing it at least preserves or enhances the character and appearance of the Conservation Area. Subject to the

details being considered below, it is considered that the application would accord with this policy in principle.

5.2.3 Recent government announcements, in line with the NPPF, also indicate that Town Centres should be revitalised by adding interest. Town centre living accommodation adds a further dimension to the retail and service offer, supporting the main town centre functions.

5.2.4 Staff therefore consider that the proposal would be acceptable in principle.

5.3 *Impact on the Conservation Area*

5.3.1 The site forms part of St Andrew's Conservation Area. The issue is whether the proposal would have an impact on the character and appearance of the Conservation Area and, if so, whether the proposal would enhance or, as a minimum, preserve it.

5.3.2 The character of the Conservation Area is mainly of open spaces including the Dell/Mill Fields and Hornchurch Cemetery and the retained Listed Buildings, including St Andrew's Church and those fronting High Street. The duty on the Council would not involve preventing development or preserving the status quo, but rather managing change in a sensitive way, to ensure that those qualities which justified designation are sustained and reinforced, rather than eroded.

5.3.3 The proposal is for a Mews style development of 4 houses which would have a landscaped courtyard to the rear between its rear elevations and the back of the Listed Building. As there has been no development on this part of the former car park (currently temporary hand car wash), the proposed development on two-storeys would be highly visible from Fentiman Way (onto which it would front) and the rear of Prezzo and also partly visible from the High Street and from Prezzo's outside seating area and from the Listed Buildings which front onto High Street.

5.3.4 The Heritage Officer comments that the proposal is acceptable in principle and that the proposed detailing will need to be implemented in accordance with the plans and that materials will need to be of a high quality. She considers that providing this is met, the proposal would preserve the character and appearance of the St Andrew's Conservation Area. Staff consider that a suitably-worded condition should be attached to any grant of planning permission requesting the submission of all external materials (details and, as appropriate, samples) before works begin to ensure that the scheme is of a high quality.

5.4 *Impact on Listed Buildings*

5.4.1 The building fronting onto High Street to the immediate south of the application site is Prezzo (formerly the Kings Head Public House) which is Listed, as are the attached buildings to the east comprising Nos. 191 to 197 High Street. All the buildings are grade II Listed.

5.4.2 The proposal would result in the loss of a single-storey building which is a curtilage building to the Listed Building. However, it is considered that this would be acceptable as it is a later addition and its loss would have a neutral impact on the fabric of the Listed Building.

5.4.3 The proposal has been the subject of detailed discussions with the Heritage Officer. The proposed design of the building with 4 Mews houses is considered to be complementary to the Listed Buildings fronting onto High Street, both in scale and character/appearance. While the siting of the proposed development would reduce views of the back of the Listed Buildings as these are for servicing access only, the proposed Mews buildings would set a reasonable distance (over 11m) from the nearest Listed Building, Prezzo, and as the proposal would include a carefully landscaped courtyard area, Staff consider that the proposed development would not have any significant impact on the adjoining/nearby Listed Buildings or their settings.

5.5 *Density*

5.5.1 The application site area is just under 0.08ha and therefore the density would be approximately 53 units per hectare. Policy DC2 indicates that the range should be 50-110 units per hectare. The proposal is at the bottom end of this range, nonetheless the main consideration is whether the scheme is of a high standard of design and layout in accordance with Policies DC3 and DC68.

5.5.2 The London Plan indicates at Policy 3.5 that 2-storey properties with 3-bed 5 person units should have a minimum space of 96 sq.m with 4 bed 5 person units having a minimum of 100 sq.m. The minimum size for 3 storey development with 3 beds for 5 persons is 102 sq.m. The size for each of the 3-bed 5 person houses would be 108.7 sq.m which would be in excess of the minimum internal space standards and would therefore provide for day to day living.

5.5.3 Staff therefore consider that the proposal would therefore accord with LDF Policy and the GLA Minimum space standards.

5.6 *Site Layout*

5.6.1 The proposal would provide four Mews houses fronting onto Fentiman Way with a shared, landscaped and private courtyard to the rear of the properties. A single parking space would be provided for each property to the Fentiman Way frontage together with some soft and hard landscaping and ancillary refuse storage. A cycle store would be provided in the courtyard area close to the path leading out onto High Street.

5.6.2 Staff consider that, as there are no properties fronting onto Fentiman Way, with the exception of Goldsmere Court a large retired persons flatted block on the opposite side, that there is no specific character or layout to follow

but that the proposed arrangement is typical for residential properties in the Borough in that there would be front garden areas, the houses and an amenity area to the rear. It is unusual that this amenity area would be shared between houses, nonetheless courtyards are more typical of older properties and Mews development in particular and Staff consider that this form of development/layout is more appropriate in the context of its relative positioning with the Listed Building and its town centre location.

5.6.3 The development would be located within a town centre where there are existing evening entertainment buildings in close proximity to the proposed dwellings. Also there is an outdoor seating area associated with Prezzo directly adjoining the application site. Hours of use are not generally controlled through the planning system where these relate to older properties although late licences may be required. People choosing to live in a town centre do not expect the same level of residential amenity which exists in purely residential areas, nonetheless suitable sound and odour insulation measures would be required to ensure that the occupiers are not unduly affected by existing nearby uses.

5.6.4 It is likely that any people moving to this location may wish to object to any changes to any hours of use or the licences etc. of existing late evening/night uses. This is a right and this may/may not affect the activities of the existing uses. This is similar to the situation for other residential occupiers in the town centre, for example those above the “Ask” Restaurant and the occupiers above properties facing or above other evening/outside activities in High Street, Station Lane and North Road. Nonetheless the buyers of the properties will purchase on a “buyer beware” basis in respect of the surrounding uses and any objections made against such changes in future must be considered in respect of the fact that the evening activities are existing uses in the town centre.

5.7 *Design/Impact on Street/Garden Scene*

5.7.1 The proposed Mews block of four houses would be located fronting onto Fentiman Way where it would be highly visible. The block would also be visible, albeit only along direct views, between buildings from High Street.

5.7.2 The proposal is considered to take into account its location within close proximity to the Listed Buildings while ensuring a respectful separation distance away from them and reflect a design which is acceptable within the St Andrew’s Conservation Area. In respect of its impact in the street scene, the proposal appears as a building set back from the highway to Fentiman Way which includes the construction of a 1.8m wide pavement area. It is considered that two-storey properties fronting onto Fentiman Way with pitched roofs and end gables are characteristic in the locality, nonetheless the proposal also incorporates design details such as plain barge boards, small dormer windows, stone headers above windows and some use of timber which is considered to be in character with other development and reflects the form and scale of the Listed Buildings, while not mimicking them.

5.7.3 The proposed cycle storage would be located to the rear of the site within the courtyard area. The provision of cycle storage is acceptable, details could be submitted via a condition if planning permission is granted.

5.7.4 There are no existing garden areas to this side of Fentiman Way which would be affected by the development.

5.8 *Impact on Amenity*

5.8.1 The nearest residential properties to the application site are those on the opposite side of Fentiman Way. The nearest elevation of Goldsmere Court is 25m from the nearest boundary of the application site and the nearest property in Beredans Close is 40m from the nearest site boundary. The nearest part of the proposed development to Fentiman Way would be located 11m from the back edge of the highway. There are also residential properties above some shop units to High Street.

5.8.2 Fentiman Way, apart from providing access to Goldsmere Court - the only purely residential block to be accessed - is a commercial service road providing access to the rear of all shop units in North Road and along High Street. This includes access to the restaurants, including Prezzo contained in the row of Listed Buildings and the Royal British Legion which all front onto High Street. Fentiman Way also provides access to the large public car park to the north-west of the application site.

5.8.3 The proposed residential development would be located on the opposite side of a double-width carriageway rear servicing access in relation to Goldsmere Court. Staff consider that any general noise and activity associated with the proposed residential development would need to be balanced against the fact that the residential premises are situated particularly close to the town centre, just off the rear service road, and that levels of residential amenity would therefore be lower than in a quiet residential street away from the high level of commercial activity associated with this Major District Centre. Staff consider that to a degree the provision of two-storey development fronting onto Fentiman Way would reduce some of the existing noise and activity as it would act as an effective barrier between Fentiman Way and the busy (both vehicular and pedestrian) activity on High Street.

5.8.4 In addition, the application site was previously in use as the car park and servicing area of the public house, the Kings Head (now Prezzo restaurant). From earlier records, it would appear that at least 15-20 vehicles could be parked on site at any one time and, as there were no restrictions to the hours of use of the public house, vehicles and vehicle movements would/could have occurred at any time of the day or night. It is recognised that the car park area is not used recently as heavily as it may have been used in the past, nonetheless the proposal is for only 4 parking spaces such that traffic and traffic noise is likely to be significantly reduced.

5.8.5 Given the separation distances and that the proposed development is located on the opposite side of a public highway, it is not considered that there would be any significant loss of privacy to occupiers living opposite which face onto the public domain. In addition, Staff do not consider that the proposed development would result in any loss of residential amenity to those living above existing shop units fronting onto High Street.

5.8.6 Subject to the imposition of conditions restricting the hours of construction works and the methodology undertaken during the construction phase, it is considered that the proposal would have an acceptable impact on existing residential amenity.

5.9 *Highway/Parking*

5.9.1 The existing access to the Highway would be amended to provide separate accesses to the parking spaces with a new 1.8m wide pedestrian footpath where none currently exists.

5.9.2 Within this town centre location it is considered that the proposed parking provision of one space per dwelling would accord with Parking Standards. In line with Annex 6, cycle parking provision is proposed to be provided on site and would be subject to a suitable planning condition.

5.9.3 Servicing access to Prezzo would be retained (although realigned), as currently (since the application site is not within Prezzo's ownership).

5.9.4 There are no highways objections to the proposed development subject to conditions being attached in respect of pedestrian visibility splays, cycle storage and highway licences as necessary.

5.10 *Section 106 agreement*

5.10.1 The proposal is for new residential development which will result in infrastructure costs. The applicant would therefore be required to make a contribution to these costs through the Planning Obligation payment of £6,000 per property as indicated in the Planning Obligation SPD; totalling £24,000. The applicant has confirmed that he agrees to pay the contribution.

5.11 *Other Issues*

5.11.1 The Secured by Design Officer indicates that storage for cycles would be acceptable but that further details could be provided via a suitably worded condition. He also requests details of suitable external lighting and boundary treatments and refuse/cycle stores; again suitable conditions could be attached to any grant of planning permission.

6. **Conclusions**

6.1 The proposal is for 4 Mews Houses with ancillary parking and amenity space. It is considered that the proposal would result in an acceptable

impact on visual amenity in the streetscene, in relation to the setting of the Listed Building and on the character and appearance of the St Andrew's Conservation Area.

- 6.2 Staff consider that the proposal would also be acceptable in terms of its impact on residential amenity of adjoining occupiers and in highway and all other terms such that the proposal is acceptable and in accordance with Local Development Framework Policies CP1, CP4, DC2, DC3, DC33, DC35, DC36, DC61, DC63, DC67, DC68 and DC72 and the SPDs on Residential Design, Residential Extensions and Alterations, Landscaping, Heritage and Planning Obligations.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

- 8.1 A legal agreement would be needed to secure the planning obligations payment towards local infrastructure.

9. **Human Resource Implications:**

- 9.1 None

10. **Equalities and Social Inclusion Implications:**

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

BACKGROUND PAPERS

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

7. The relevant planning history.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

**P0858.13 - Land rear of 137 -151
Montgomery Crescent, Romford**

**The erection of 2 no. 2 bed chalet
bungalows with associated parking**

(Application received 10th July 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This application relates to Council owned undeveloped land. The application proposes the erection of 2 no. 2 bed chalet bungalows. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 96.8m² per bungalow and amounts to £3,872.

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

- A financial contribution of £12,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason:

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

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice.

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) shall

be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

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

Reason:

In the interests of privacy.

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

Reason:

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

9) Hours of Construction: 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.

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

14) Ground Contamination: 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 .

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

Reason:

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

16) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

In the interest of residential amenity.

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

Reason:-

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

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
 5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
 6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

8. 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 an empty piece of land which is located to the rear of No.'s 137 to 151 Montgomery Crescent. The site is surrounded by residential dwellings. The ground level drops down from Montgomery Crescent and Bridgewater Road towards the subject site. The site has an overall area of approximately 1581m².
- 1.2 Development in the vicinity is characterised by 2-storey residential terraced dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 2 no. 2 bed chalet bungalows with associated parking and amenity.
- 2.2 The dwellings would measure 7.35m in width and 9.2m in depth. They would each have a chalet style roof and would measure 2.4m to the eaves and 6.6m to the top of its ridge. The dwellings would be centrally located towards the southeastern part of the site and will be set 4.2m off the closest boundary.
- 2.3 Three dormer windows are proposed, two to the front roof slope and one to the rear. The dormers would measure 1.6m in width, 2.9m in depth and 2.2m in height to the top of the dual pitched roofs.
- 2.4 On ground floor level would be a bathroom, kitchen / dining room, lounge and a bedroom. In the loft space would be a bedroom, en-suite bathroom and walk-in cupboard. Windows and doors would generally be arranged to the front (northwest) and rear (southeast) with flank wall windows at ground floor to the northern elevations.
- 2.5 The proposal would retain the existing access to the site measuring approximately 3.2m in width.
- 2.6 There would be a bin collection point along the access road, approximately 49m from the front of the proposed dwelling and 27m from the edge of the highway.

2.7 Parking provision for 4 vehicles would be provided on a hardstanding to the front of the dwellings as well as 4 visitor spaces to the northwestern part of the site.

2.8 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 215m² for plot 1 and 270m² for plot 2.

3. Relevant History

3.1 No relevant history.

4. Consultations/Representations

4.1 Notification letters were sent to 30 neighbouring properties and 3 letter of objections were received raising the following concerns:

- Proposal would result in the loss of rear pedestrian access
- Concerns over access arrangements during construction and damage to existing dwelling

4.2 The Council's Environmental Health Service requested a soil import condition.

4.3 The Highway Authority has raised concerns over the distances residents will be required to carry their waste. Under Schedule 1, Part H of the Building Regulations (2000), residents should not be required to carry waste more than 30m to the bin collection point

4.4 The Borough Crime Prevention Design Advisor requires a Secured by Design condition.

4.5 The London Fire and Emergency Planning Authority has stated that the access for Fire Brigade vehicles would not comply with section 11 of ADB volume 1 and domestic sprinkler systems may be considered as an alternative.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building

London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

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

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case 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 principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

- 6.2.2 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 should incorporate minimum space standards. The Mayor has set these at 83m² for a 2-bed 4-person dwelling. The proposal has an internal floor space of 96.8sq.m which is in line with the recommended guidance and 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 proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

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

- 6.3.2 Amenity space would mainly be provided with garden spaces towards the rear (southeast) and wrapping around to the sides, measuring approximately 215m² for plot 1 and 270m² for plot 2. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.
- 6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 13 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.
- 6.3.5 In terms of the general site layout, the proposed detached dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.
- 6.4 Impact on Local Character and Street Scene
- 6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 The proposal would not form part of the Montgomery Crescent street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.
- 6.4.3 The characteristic built form in the immediate surrounding area are mainly two storey terraced dwellings built from a mix of bricks and render.

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

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 Neighbouring properties to the west and south are separated from the proposed dwelling by approximately 7m and 19m respectively at the nearest point. The distance is considered acceptable as the proposed dwellings are chalet bungalows with the proposed dormers facing southwest to be obscure glazed as they serve en-suite bathrooms. Any potential impact to these properties is therefore considered acceptable. Also no flank windows are proposed at first floor. The windows situated at ground floor will be located behind fencing.

6.5.3 The nearest dwelling towards the west and north are situated 16.5m and 9.55m away respectively. Staff do recognise that the front dormers have the potential to cause overlooking to the rear gardens of No. 47 North Hill Drive and No's 147 and 145 Montgomery Crescent; however the proposed dwellings would be at an oblique angle to the rear gardens of these properties. A condition would also be imposed to have two of the front dormers serving cupboards obscure glazed and fixed shut with the exception of the top hung fanlight. It should also be noted that none of these neighbouring occupiers have objected to the proposal. Staff consider the potential impact in terms of overlooking to be acceptable on balance, however members may wish attach different weight to the impact on neighbouring amenity.

6.5.4 Overall, Staff do not consider unacceptable levels of overshadowing or overlooking to occur as a result of the proposed chalet bungalows.

6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 2 x 2-bed bungalows would not give rise to an unacceptable level of vehicular activity.

6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 2 no. family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.

6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.

6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 4 x No. parking spaces to the northwestern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 A condition would be added to provide storage for 4 no. cycle spaces in order to comply with the Council's standards.

6.6.3 The access road would not have sufficient width for Fire Brigade vehicles to access the subject site, however the Fire Brigade have no objection subject to a condition requiring domestic sprinklers to the proposed dwellings.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 193.6m² which equates to a Mayoral CIL payment of £3,872.

6.8. Planning Obligations

6.8.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards

infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. There would be a bin collection point along the access road, approximately 49m from the front of the proposed dwelling and 27m from the edge of the highway. The bin collection point is within an acceptable distance from the highway in order for refuse collection to take place however concerns are raised regarding the distance of 49m to the front of the dwellings. Although this scenario is not ideal Staff do not consider it sufficient reason to refuse the application as future buyers/occupiers would be aware of the situation and make the choice regarding the acceptability of the refuse storage distance from the proposed dwellings. Members may however attach different weight to the refuse arrangements and consider these to be unacceptable..

6.9.2 Neighbouring objections relating to the loss of pedestrian access to the rear of their gardens is not a material planning consideration. Access arrangements is a Civil matter between the neighbours and the new land owner.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. On balance, Staff also consider any potential impact on neighbouring amenity and the refuse arrangements to be acceptable however Member may attach different weight to these two aspects of the development and may wish to refuse the proposal on refuse and amenity grounds. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 10 July 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

P0859.13 – Land adjacent 81 Heaton Avenue, Romford

The erection of 1 no. 1 bed bungalow with associated parking

(Application received 17th July 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This application relates to Council owned undeveloped land. The application proposes the erection of 1 no. 1 bed bungalow. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 37.6m² per bungalow and amounts to £752.

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

- A financial contribution of £6,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason:

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

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 of this decision notice:

Reason:

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

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) shall

be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

9) 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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

14) Screen Fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

15) 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.

16) 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 submitted to and agreed in writing by the Local Planning Authority.

Reason:

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

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed.

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

4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. 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 an empty piece of land which is located to the side of No. 81 Heaton Avenue. The site is situated on the corner of Heaton Avenue and an access road which leads to garages to the side of 83 Heaton Avenue. The ground level drops down the subject site towards 81 Heaton Avenue. The site has an overall area of approximately 228m².
- 1.2 Development in the vicinity is characterised by a mixture of development ranging from a bungalow to the southeast, 2-storey residential terraced

dwellings to the west and south and a 14 storey flat development to the north.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 1 no. 1 bed bungalow with associated parking and amenity.
- 2.2 The bungalow would measure 6.8m in width and 7.65m in depth. It would have a gable ended roof and would measure 2.5m to the eaves and 5m to the top of its ridge. The dwelling would centrally located in the site and will be set 2.4m off the boundary wit No. 81 Heaton Avenue.
- 2.3 The bungalow would consist of a kitchen, living/dining room bathroom and bedroom. Windows and doors would generally be arranged to the front (northeast) and rear (southwest). No flank windows are proposed.
- 2.7 Parking provision for 2 vehicles would be provided on a hardstanding to the front of the bungalow.
- 2.8 The dwelling would have a northeast-southwest orientation with garden spaces towards the rear (southwest), measuring approximately 80.8m².

3. Relevant History

- 3.1 No relevant history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 16 neighbouring properties and no letters of objections were received
- 4.2 The Council's Environmental Health Service requested a soil import condition.
- 4.3 The Highway Authority has raised no objection to the proposal.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building

London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).

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

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case 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 principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

- 6.2.2 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 should incorporate minimum space standards. The Mayor has set these at 37m² for a 1-person dwelling. The proposal has an internal floor space of 37.6sq.m which is in line with the recommended guidance and 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 proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

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

- 6.3.2 Amenity space would be provided towards the rear (southwest) measuring approximately 80.6m². Screen fencing to the boundaries would be required by means of a planning condition.
- 6.3.3 Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 43 units per hectare which is in line with the density range and considered acceptable.
- 6.3.5 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with generous amenity areas towards the rear, and therefore is not considered to appear as an overdevelopment of the site. The layout of the site is therefore considered acceptable.
- 6.4 Impact on Local Character and Street Scene
- 6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 The proposal bungalow would be not project forward of the properties along Heaton Avenue and would only project slightly forward of the garage development at the end of the access road. Although the proposal would be prominent on this corner location, Staff do not consider it to have an unacceptable impact on the streetscene as it is a modest bungalow proposed which is in keeping with the surrounding area.
- 6.4.3 Staff are mindful that a condition to require fencing to the rear garden would result in fencing in excess of 1m close to the footway on this corner location. Fencing up to 2m in height is not considered to result in an unacceptable impact on the streetscene as it is characteristic to the surrounding area with No.'s 87a to 87e all having their rear garden fencing close to the footway.
- 6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached dwelling in this location would have an acceptable appearance with no harmful impact to the character and

appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposed dwelling will not have an unacceptable impact on overlooking as the only windows proposed are to the front and rear elevations. The front elevation would overlook Heaton Avenue and the rear elevation would face the side of No. 85 Heaton Avenue. No windows are located in the flank elevation of No. 85 Heaton Avenue.

6.5.3 Any impact on terms of overshadowing is also considered acceptable as the only dwelling close enough to be affected is No. 81, however no windows are located in the flank elevation of this dwelling.

6.5.4 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed bungalow.

6.5.5 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

6.5.6 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 no. parking spaces to the front of the

dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 37.6m² per bungalow and amounts to £752.

6.8. Planning Obligations

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

6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days.

7. Conclusion

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

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 17 July 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

P0928.12 – Land to the rear of 2-24 Bell Avenue, Romford

The erection of 4 No. 3-bed and 1 No. 4-bed dwellings with associated parking.

(Application received 17th July 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This application relates to Council owned open land. The application proposes the erection of 4 No. 3-bed and 1 No. 4-bed dwellings with associated parking. The

planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable.

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 564.7m² and amounts to £11,294.

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

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

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

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

Reason:

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

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 10 no off-street car parking spaces as shown on the approved plan No. 8890-1000 Revision F and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development

accords with the Development Control Policies Development Plan Document Policy DC61

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

Reason:

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

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

Reason:

In the interests of privacy.

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

Reason:

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

9) Hours of Construction: 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.

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

14) Ground Contamination: 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.

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

Reason:

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

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

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

Reason:

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

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

Reason:

To prevent noise nuisance to adjoining properties.

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

Reason:

In the interest of residential amenity.

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

Reason:

In the interest of highway safety.

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

Reason:-

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

20) Access: The building shall not be occupied until a means of vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

Reason:

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

INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

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

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

5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
8. 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.

9.

REPORT DETAIL

1. Site Description

- 1.1 The application site is undeveloped land located to the rear of 2-24 Bell Avenue and is currently overgrown with vegetation. The site was previously used as a playground.
- 1.2 The site for residential development is approximately 1807 square metres in size. There are no significant changes in ground level. There is a downward change in ground level from the site towards Bell Avenue and the site is surrounded on all side by the gardens of adjacent residential properties on Bell Avenue, Smart Close and Harrow Crescent. None of these properties have access to the subject site.
- 1.3 Development in the vicinity is characterised by 2-storey residential semi-detached dwellings along Bell Avenue and Smart Close and semi-detached

bungalows along Harrow Crescent. These surrounding properties are predominantly finished in brick.

2. Description of Proposal

- 2.1 The application proposes the erection of 4 No. two-storey semi-detached dwellings (plots 1,2,3 and 4) and 1 No. two storey detached dwelling (plot 5) with associated parking and amenity.
- 2.2 The proposed dwellings are centrally located within the site with 2 No. parking spaces per unit situated on a hardstanding to the front of the dwellings.
- 2.3 The semi-detached two storey dwellings measure a total of 11m wide, 9.4m deep, 4.9m high to the eaves and 8.7m high to the top of the hipped roof. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom.
- 2.4 The detached dwelling measures a total of 5.7m wide, 10.8m deep, 5.2m high to the eaves and 9.7m high to the ridge. At ground floor there is a kitchen/dining room, living room and W.C, at first floor there are three bedrooms, a bathroom and an en-suite bathroom. A further bedroom and en-suite bathroom is located in the loft.
- 2.5 Access to the dwellings is via an existing 4.3m wide access road to the northern side of No. 2 Bell Avenue.
- 2.6 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear and side, enclosed by a 1.8m timber fence. Plot 1 has an amenity space covering 144.7 square metres, plot 2 an amenity area of 77 square metres, plot 3 an amenity area of 82 square metres, plot 4 an amenity area of 67.1 square metres and plot 5 an amenity area of 260 square metres.

3. Relevant History

- 3.1 No relevant recorded history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 45 neighbouring properties and 4 letters of objection were received raising the following concerns:
 - loss of privacy
 - security concerns
 - affect wild life in area
 - not enough space for five houses
 - noise will create a loss of privacy
 - loss of light
 - over development of the site

- noise and disturbance as a result of cars going past house

- 4.2 The Council's Environmental Health Service requested a soil import, insulation and construction hours condition.
- 4.3 The Highway Authority has no objection to the proposals, but as the access road is to be a shared surface, the Highway Authority requires the vehicle crossover/entrance to be extended to the width of the access road.
- 4.4 The Borough Crime Prevention Design Advisor did not raise an objection to the proposal but does require a Secured by Design condition.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case 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 principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
- 6.2.2 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 should incorporate minimum space standards. The Mayor has set these at 86sq.m for a 3-bed 5-person dwelling and 90sq.m for a 4-bed 5-person dwelling. The proposed dwellings have internal floor space of 106.8sq.m and 137.5sq.m respectively which is in line with the recommended guidance and 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 proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

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

6.3.2 Each dwelling has a private area of amenity space provided to the side/ rear of the dwellings. Plot 1 has an amenity space covering 144.7 square metres, plot 2 an amenity area of 77 square metres, plot 3 an amenity area of 82 square metres, plot 4 an amenity area of 67.1 square metres and plot 5 an amenity area of 260 square metres. The amenity spaces are directly accessible from the living rooms of all dwellings, and are provided in single enclosed blocks. In all, they are considered to accord with the SPD for residential design.

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

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 28.8 units per hectare. Although the density range is marginally below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 There are no longer prescribed back to back distances between properties. However, plots 1-5 have back to back distances of approximately 25m to the nearest residential properties along Smart Close. To the north there would

be a side to rear separation distance of approximately 30.7m to the rear of the properties along Harrow Crescent. To the south there would be a side to rear separation distance of approximately 21.4m to the rear of the properties along Bell Avenue. To the east, the front of the proposed dwellings would have a minimum separation distance of approximately 21m to the back of the properties along Bell Avenue. In all, the layout of the dwellings is considered acceptable and would acceptably integrate into the locality.

6.4 Impact on Local Character and Street Scene

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

6.4.2 The surrounding area has no prevailing architectural style, but there is an established pattern of development with defined building frontages and heights, two storeys with pitched roofs. The proposed dwellings would be set behind the frontage properties of Bell Avenue and would not be visible as part of this streetscene due to their set back location. Any view up the drive is also considered acceptable given the narrow driveway leading up to the proposed dwelling and the central location of the proposed dwellings.

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

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposed dwellings would have a back to back separation distance in excess of 25m to the dwellings along Smart Close. To the north and south the proposed dwellings would have separation distances in excess of 30m and 21m respectively to the properties along Harrow Crescent and Bell

Avenue. Staff consider the separation distances to be sufficient not to cause detrimental harm to neighbouring amenity.

6.5.3 To the east the proposed dwellings would have a front to back separation distance between 22.5m and 35m to the properties along this part of Bell Avenue. No flank windows are proposed. Staff consider the separation distance and lack of first floor windows to sufficiently mitigate any potential impact on neighbouring amenity.

6.5.4 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed semi-detached and detached dwellings.

6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 5 dwellings would not give rise to an unacceptable level of vehicular activity.

6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 5 no. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. Also, the subject site was previously used as a park and would have generated a certain amount of noise as a result of kids playing.

6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 10 no. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 A condition would be added to provide storage for 1 no. cycle space per dwelling in order to comply with the Council's standards.

6.6.3 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.6.5 The proposed access has a width of approximately 4.3m. Although the narrow width would only allow one vehicle to enter or exit at any given time, Staff do not consider this to be sufficient reason to refuse the scheme given that the same scenario exists currently for other garage sites which have previously come forward for development.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as there are no structures currently on site. The applicable fee is based on a combined internal gross floor area for the five dwellings of 564.7m² and amounts to £11,294.

6.8. Planning Obligations

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

6.9 Other Issues

6.9.1 With regards to refuse collection, there is sufficient access and turning area within the site for a refuse vehicle to enter and exit in forward gear. A refuse collection point is situated within 30m of the proposed dwellings in line with guidance.

7. Conclusion

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

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

BACKGROUND PAPERS

Application forms and plans received on 17th July 2013.

REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

**P0965.13 Suttons Primary School,
Suttons Lane**

**Installation of new demountable
building to serve as temporary
classroom**

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The application is brought to committee as the proposal relates to a Council School. The application is for the erection of a demountable building to serve as a temporary classroom. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is judged to be acceptable in all material respects and subject to safeguarding conditions it is recommended that planning permission is granted.

RECOMMENDATIONS

1. Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded.

Reason:-

To ensure the interests of highway safety, amenity and pedestrians and address desire lines in order to accord with Development Plan Document Policies DC32 and DC34.

2. Within 3 months of the date of this decision a review of the current travel plan for the school shall be undertaken. Within 6 months of the date of this decision an updated travel plan, incorporating results of the review and mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:-

To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

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

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

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. 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. Site Description

- 1.1 The subject site lies to the west of Sutton Lane.
- 1.2 The application site consists of one large school building at the north east corner and playing fields to the south and west.
- 1.3 The site is surrounded by residential properties to the north, east and south.
- 1.4 To the west of the application site is The Sanders Draper School.

2. Description of Proposal

- 2.1 The application is for erection of a demountable classroom building on a temporary basis.
- 2.2 The proposed building at approx. 8.896m deep and 9.592m wide, designed with a flat roof would be 3.6m high to the eaves.
- 2.3 The proposal would be positioned to the south west corner of the main school building.
- 2.4 The proposal would be constructed in textured rendered panels with a three layer felt roof. The proposed windows and doors would be constructed in double glazed white upvc.

3. Relevant History

- 3.1 No relevant recorded history.

4. Consultations/Representations

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

- Additional traffic
- Congestion
- Difficult for emergency vehicles to access the site
- Alternative second access should be introduced into the site

4.2 Officers response: Please see highway section of the report

4.3 Highways Authority: No objection to the proposal providing the attachment of a condition requesting a review of the parking restrictions around the school within 18 months.

5. Relevant Policies

5.1 London Plan Policies: 3.18 (Education Facilities) 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character)

5.2 Policies DC29, DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.

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

6.1 Staff Comments

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

6.2 Principle of Development

6.2.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify

- 6.2.2 Policy 3.18 Education Facilities of the London Plan also states that Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.
- 6.2.3 The proposed demountable building to provide additional school places is therefore acceptable in principle, subject to, not harming the character and appearance of the surrounding area, neighbours amenity or resulting in highway or parking issues.

6.3 Design / Impact on Streetscene

- 6.3.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.3.2 The proposed building at 3.6m high to the eaves would be positioned to the south west corner of the existing school building. The proposal by reason of its limited scale and positioning would not harm the appearance and character of the site and surrounding area.
- 6.3.3 The proposal designed as a subordinate building and constructed in textured rendered panels and upvc windows would be in keeping with the design and appearance of the existing school building on site.
- 6.3.4 The proposed building by reason of its design, positioning and scale would safeguard and preserve the character and appearance of the school and surrounding area. The proposal is acceptable in accordance with Policies DC61 and advice contained within the NPPF.
- 6.3.5 It is therefore considered that there is no reason why the proposal shall be approved on a temporary basis only. Any planning permission would therefore not be time restricted.

6.4 Impact on Amenity

- 6.4.1 The proposed building by reason of its use, single storey scale, limited eaves height and separation distance of over 75m from the nearest neighbouring facing windows would not result in any loss of privacy, outlook, sunlight or daylight to any habitable room windows of neighbouring properties.
- 6.4.3 The proposed classroom by reason of the separation distance of the building from neighbouring residential properties and its hours of operation during school times and not unsociable hours would not result in unacceptable levels of noise and disturbance to warrant a refusal.

6.4.2 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties in accordance Policy DC61 the intentions of the NPPF.

6.5 Highway/Parking

6.5.1 The proposal would not result in the loss of any car parking spaces.

6.5.2 The maximum parking standard for a primary or secondary school is 1 parking space for each member of teaching staff. The primary school has the equivalent of 29 full time members of staff. An additional four members of staff are to be employed increasing the number to 33. The school currently has 17 marked car parking spaces and approximately 6 informal car parking spaces. As the site is located in close proximity to Hornchurch tube station and bus routes, full compliance with the maximum standard is not considered to be necessary. The proposed additional accommodation would be unlikely to significantly affect parking in the vicinity of the site.

6.5.3 The proposal would result in an increase in the number of children attending the school and a greater possibility of congestion during drop off and pick up times. However, the possible rise in congestion is outweighed by benefits of achieving the strategic need of the borough to provide additional school places. The proposal is therefore acceptable providing an updated travel plan is submitted to and approved by the Local Planning Authority.

6.5.4 An objection was received regarding concerns over congestion, parking and access. The Highway Authority confirmed that the proposal would not result in any highway and parking issues and had no objections, subject to a review of parking restrictions in the vicinity of the site.

6.5.5 The proposal is therefore considered acceptable in parking standards terms and in accordance with Policy DC33 - Car Parking.

7. Conclusion

7.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed demountable classroom would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

None

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 2 August 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

P0978.13 Pyrgo School, Dagnam Park Drive

Installation of a new demountable building to serve as temporary classroom provision

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The proposal relates to a Council School situated within the green belt.

The application is for the erection of a demountable building to serve as temporary classrooms. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is judged to be acceptable in all material respects and subject to safeguarding conditions it is recommended that planning permission is granted.

RECOMMENDATIONS

1. This permission shall be for a limited period only expiring on 24.10.2018 on or before which date the temporary building(s) carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

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

2. Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded.

Reason:-

To ensure the interests of highway safety, amenity and pedestrians and address desire lines in order to accord with Development Plan Document Policies DC32 and DC34.

3. Within 3 months of the date of this decision a review of the current travel plan for the school shall be undertaken. Within 6 months of the date of this decision an updated travel plan, incorporating results of the review and

mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:-

To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

4. Within 3 months of the date of this decision the rear windows of the west facing elevation shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

Reason:-

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

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

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

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. 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. Site Description

- 1.1 The subject site lies to the east of Dagnam Park Drive, north of Settle Road and south of Sedfield Crescent.

- 1.2 The application site consists of one large school building at the north east corner and playing fields to the south and west.
- 1.3 The site is surrounded by residential properties to the north, west and south.
- 1.4 The site falls within the metropolitan green belt.

2. Description of Proposal

- 2.1 The application is for erection of a demountable building consisting of two classrooms.
- 2.2 The proposed building at approx. 6m deep and 7.9m wide, designed with a flat roof would be 3.5m high to the eaves.
- 2.3 The proposal would be positioned to the south of the main school building and to the north east of no. 150. The proposal would be set back from the building line of the properties of along Dagnam Park Drive.
- 2.4 The proposal would be constructed in rendered panels with a three layer felt roof. The proposed windows and doors would be constructed in double glazed white upvc.

3. Relevant History

- 3.1 No relevant recorded history.

4. Consultations/Representations

- 4.1 The application was publicised by the direct notification of adjoining properties. One letter of objection was received as summarised below:
 - Classroom has been erected
 - A 7 year permission is not temporary
 - Loss of and lack of parking
 - Safety and youth hang out spots created on new alleys
 - Noise and disturbance
 - Impact on garden amenity
 - Impact on value of property
 - Loss of outlook from hallway
 - Ugly building
 - Loss of sunlight and daylight
- 4.2 Officers response: Please see relevant section of report
- 4.3 Highways Authority: No objection to the proposal providing the attachment of a condition requesting a review of the parking restrictions around the school within 18 months.

5. Relevant Policies

- 5.1 London Plan Policies: 3.18 (Education Facilities) 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character)
- 5.2 Policies DC29, DC33 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, Sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.
- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6.1 Staff Comments

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

6.2 Principle of Development

- 6.2.1 The site lies within the designated Metropolitan Green Belt. The objective of Green Belt designation is to protect the open nature of the countryside by preventing urban sprawl. Green Belt development is generally restrictive, and where development is contrary to the intentions of the NPPF and DC45, or where development is judged to be harmful to the character of the Green Belt, the applicant should provide very special circumstances to justify the proposal.
- 6.2.2 The NPPF states as with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.2.3 A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions are:
- Buildings for agriculture and forestry;
 - Provision of 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 purpose 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 building, provided the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling or the partial or complete redevelopment of previously developed sites, 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 employment.

6.2.4 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify

6.2.5 Policy 3.18 Education Facilities of the London Plan also states that Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.

6.2.6 The proposed building by reason of its use would result in inappropriate development within 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.

6.3 Design / Impact on Streetscene/ Impact on Openness of Green Belt

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

6.3.3 An objection was received regarding the appearance of the building. However, as the proposal would be designed as a subordinate building and constructed in rendered panels and upvc windows. It is considered that the proposal would be in keeping with the design and appearance of the existing school building on site.

6.3.4 The proposed building set back from the existing building line of the neighbouring residential properties along Dagnam Park Road and located within a developed part of the school site would not be in an isolated or over

a prominent position that harms the openness of the Green Belt to a significant degree. The loss of openness to the Greenbelt is therefore considered limited and would be acceptable on the basis that consent for the building is only being sought for a temporary basis.

- 6.3.5 It is therefore considered that the building by reason of its appropriate positioning and subordinate scale would not harm character and appearance of the area. The requirement to remove the building after five years would ensure that there is no long term impact on the openness of the Green belt. The proposal therefore complies with policies DC61 and DC45 and the advice contained within the NPPF.

6.4 Impact on Amenity

- 6.4.1 An objection was received over concerns that the proposal would result in a loss of outlook, sunlight and daylight and unacceptable noise and disturbance.
- 6.4.2 The building is located between 4.6 and 6.2 metres away from the boundary with the nearest residential property at no. 150 Dagnam Park Road. In order to prevent overlooking, it is recommended that a condition be applied requiring that the windows on the rear (west facing) elevation of the class rooms be obscure glazed.
- 6.4.3 The proposed building by reason of its single storey scale, separation distance, positioning (only viewable at an oblique angle from the neighbouring rear habitable room windows) and orientation to the north east of no. 150 would not result in any significant loss of outlook, sunlight or daylight to habitable room windows or gardens of neighbouring properties.
- 6.4.2 The development area is an open part of the school grounds with no restriction over use. Therefore the site can be used for any purpose associated with the school including open play, recreation or teaching. As such, placing a building in the position proposed would not result in additional noise. The proposed classroom by reason of the separation distance of the building from neighbouring residential properties and its hours of operation during school times would not result in any noise and disturbance at unsociable hours.
- 6.4.3 It is therefore considered that the proposal would safeguard the amenities of neighbouring properties in accordance Policy DC61 the intentions of the NPPF.

6.5 Highway/Parking

- 6.5.1 An objection was received regarding concerns over parking.
- 6.5.2 The proposal would not result in the loss of any car parking spaces.

- 6.5.3 The maximum parking standard for a primary or secondary school is 1 parking space for each member of teaching staff. The primary school has the equivalent of 53 full time members of staff. An additional four members of staff are to be employed increasing the number to 57. The school currently has 37 car parking spaces. It is considered that the increase of staff is not significant and therefore would not have a significant impact on parking.
- 6.5.4 The proposal would result in an increase in the number of children attending the school and a greater possibility of congestion during drop off and pick times. However, the possible rise in congestion is outweighed by benefits of achieving the strategic need of the borough to provide additional school places. The proposal is therefore acceptable providing an updated travel plan is submitted to and approved by the Local Planning Authority.
- 6.5.7 The Highway Authority confirmed that the proposal would not result in any highway and parking issues.
- 6.5.8 The proposal is therefore considered acceptable in parking standards terms and in accordance with Policy DC33 - Car Parking.

7. Very Special Circumstances

- 7.1 When considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.2 The proposed development would harm the Green Belt by reason of its inappropriateness and there would be some temporary impact on its openness. Therefore, there is a requirement to consider any Very Special Circumstances.
- 7.3 The proposal would allow for an additional number of school spaces for the school in accordance with the guidelines of the London Plan and NPPF. It is considered that the requirement for immediate additional school places within the borough warrants Very Special Circumstances for the erection of the proposed building on a temporary basis only. The proposal is therefore acceptable in principle, providing impacts on the openness of the Greenbelt, character of the surrounding area, neighbours living conditions and highway or parking issues, would be within acceptable limits.
- 7.4 The Very Special Circumstances on a temporary basis are deemed acceptable and therefore outweigh the inappropriateness of the development.

Conclusion

- 7.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning consideration. It is considered that the special circumstances that warrant a departure and allow for the erection classroom within the Green Belt have been submitted. It is therefore considered that the proposal would not have a significant impact on the openness of the greenbelt, form and character of the school and surrounding area, the residential amenity of the occupants of neighbouring properties or result in highway issues.
- 7.2 The application therefore complies with aims and objectives of policies of the LDF Core Strategy and Development Control Policies Development Plan Document, London Plan and the intentions of the National Planning Framework. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

None

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application forms, plans and supporting statements received 1 August 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

24 October 2013

Subject Heading:

**P0870.13 2a Deyncourt Gardens,
Upminster.**

**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.**

**(Application received 15 July 2013,
revised plans received 5 September
2013)**

Report Author and contact details:

**Helen Oakerbee, Planning Manager
01708 432800
helen.oakerbee@havering.gov.uk
Local Development Framework**

Policy context:

Financial summary:

None

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

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

SUMMARY

This report concerns a proposal to demolish an existing house and erect a replacement building containing 9 no. flats. The application is reported back to committee following deferral from the 3 October 2013 meeting. For the reasons set out within the report, the proposal is considered to be unacceptable. Refusal is therefore recommended. The application has been called into committee by Councillors Ford and Tebbutt.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. 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. The proposal is therefore contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance continued in the Hall Lane Special Policy Area SPD.
2. 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. 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.

INFORMATIVES

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

REPORT DETAIL

1. Background

- 1.1 This planning application was previously reported to the Regulatory Services Committee on 3 October 2013. Following debate, the Committee resolved to defer the application to enable staff to bring back a report identifying terms of a Section 106 Legal Agreement and planning conditions, as Members were minded to approve the scheme on the basis that the impact of the development in the streetscene, on amenity and upon the development potential of the adjoining site would be acceptable. Clarification was also sought as to the background behind the Hall Lane Policy Area and whether all, or part, of the application site falls within in.

Hall Lane Policy Area

- 1.2 Turning to the latter aspect first, the Hall Lane Policy Area comprises approximately 56 Hectares (138 acres) of land on either side of Hall Lane, Upminster, immediately north of Upminster Railway Station. Its designation pre-dates the current Local Development Framework and it is detailed by the Hall Lane Supplementary Planning Document.
- 1.3 The introductory text to the SPD states that “the Hall Lane area of Upminster is occupied mostly by established large detached and semi-detached dwellings, generally well maintained and set in large gardens, having the amenity of considerable tree and shrub planting. There are some more recent developments of flats along the Hall Lane frontage. The area’s character derives primarily from the long and well landscaped rear gardens whose size and good tree cover create unusual spaciousness which is extensive and uninterrupted.”
- 1.4 For the purposes of the SPD, the Policy Area is divided into two zones in which different criteria will be applied. The application site is located within Zone A.
- 1.5 This area fronts Hall Lane between the railway line and Ashburnham Gardens and contains some developments of flats. The SPD indicates that scope exists for further development of flats without causing harm to the character of the road. Nevertheless, the existing long and well landscaped rear gardens to Hall Lane properties do contribute to the special character of the wider area, and therefore any frontage developments will be expected to have generous rear amenity space provision. The criteria specify minimum sizes for plots and frontages to help achieve this objective.
- 1.6 The specific criteria applied to flatted development proposed within Zone A are as follows:

- Except for detached and semi-detached houses, development will only be permitted provided an area of compact shape of 1.2 hectares or more, with a minimum frontage of 150 metres, has been assembled by the developer.
 - South of Waldegrave Gardens and Deyncourt Gardens where this is not possible, and on corner sites generally, relaxation of the frontage and site area requirements may be considered but only where the main intentions of the policy are not thereby endangered.
 - Flats will be allowed where the individual units have a minimum floor area of 75 square metres and the overall development has a maximum height of three storeys. The development must incorporate a private sitting out amenity space at least equivalent in area to the total floorspace of the flats and that is screened from public view.
 - A major element of these criteria is the retention as far as possible of the landscape and amenity created by the considerable tree and shrub planting that exists:
 - Special attention must be given to the effect of any proposal on the landscape, and to this end plans submitted with any application shall include a survey of all existing trees and shrubs on the site.
 - New buildings shall be sited with the object of preserving as many trees and shrubs as possible consistent with good layout and design.
 - New planting may be required by the Council.
- 1.7 In respect of these criteria, the flats do have a minimum floor area of 75 square metres. The development does not incorporate a sitting out amenity space at least equivalent in area to the total floorspace of the flats and limited opportunity exists on site to enable the retention and/or provision of a level of soft landscaping commensurate with the expectations of the Hall Lane Policy SPD.

Heads of Terms and Possible Planning Conditions

- 1.8 In the event of an approval, the following obligations are recommended for the legal agreement:
- A financial contribution of £48,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

1.9 In respect of conditions, the following are suggested:

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

Reason:-

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

2. **Accordance with plans:** The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

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

3. **Car Parking:** Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

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

Reason:-

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

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

Reason:-

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

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

Reason:

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

7. **Refuse and recycling:** Notwithstanding the details shown on the submitted drawings, prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order

that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

Reason:-

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

9. **Construction Hours:** 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.

10. **Construction Method:** 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:

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

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

Reason:-

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

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

Reason:-

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

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

Reason:-

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

13. **Secure by Design:** Prior to the commence 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 Local Planning Authority.

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 and DC63 of the LDF.

14. **Noise:** The buildings shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining properties.

15. **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 388:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with the LDF Core Strategy and Development Control Policies DPD Policy DC53.

16. **Obscure Glazing:** The proposed windows serving all bathrooms and ensembles on the southern facing flank shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

- 1.10 In respect of informatives, the following are suggested:

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. 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 £8,580. 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.

3. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. 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.
5. 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.

Report Detail

- 1.11 The report set out below is largely the same as that presented to committee on 3 October 2013. At that meeting an update was given in respect of dimensions within the report which suggested that the proposed building would be within 1m of the highway. This dimension is incorrect as the building would be located between 2.3m and 3.3m from the highway. This figure has been amended within the report.
- 1.12 An update was also given in respect of who had called the application in. In addition to the call-in received from Councillor Tebbutt, a call-in has also been received from Councillor Ford. The reasons for call in are as follows:

Councillor Ford:

Over intensification of development; height of development is over and above that of properties directly opposite and adjacent; not in keeping with the street scene; building materials at odds with design of surrounding development; development going beyond the building line of properties in the area; it will have an adverse impact on traffic in the locality.

Councillor Tebbutt:

Boundary and overlooking issues, and the relationship between the proposal and the church.

Original Report as presented on 3 October 2013

2. Site Description

- 2.1 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.
- 2.2 The site is located in the Hall Lane Special Policy Area.

3. Description of Proposal

- 3.1 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 eastern end of the site.
- 3.2 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.

4. Relevant History

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

5. Consultation Responses

- 5.1 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.

5.2 The Crime Prevention Design Advisor raises no objections and recommends a condition and informative.

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

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

5.5 Highway Authority - No objections; conditions and informatives recommended.

5.6 London Fire Brigade - No objections.

6. Relevant Policies

6.1 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.

6.2 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.

6.3 The London Plan (2011) and National Planning Policy Framework ("the NPPF") are also relevant.

7. Mayoral CIL

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

8. Staff Comments

- 8.1 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

- 8.2 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

- 8.3 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.

- 8.3.1 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.

- 8.3.2 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.

- 8.3.3 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

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.

- 8.3.4 The proposed building would be located approximately 2.3-3.3m 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.

Impact upon Streetscene

- 8.4 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.
- 8.4.1 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.
- 8.4.2 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 Deycourt 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 2.3-3.3m of the highway, and given its overall 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.

- 8.4.3 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

- 8.5 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.

- 8.5.1 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.

- 8.5.2 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.

- 8.5.3 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.

- 8.5.4 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.

Highways/Parking

- 8.6 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.
- 8.6.1 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.
- 8.6.2 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.
- 8.6.3 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.
- 8.6.4 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

- 8.7 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.
- 8.7.1 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

- 8.8 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.

9. Conclusion:

9.1 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.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be needed to draft the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received on 15 July and 5 September 2013.

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REGULATORY SERVICES COMMITTEE

REPORT

24 October 2013

Subject Heading:

Alleged breach of planning control at Upminster Court, Hall Lane, Upminster

Report Author and contact details:

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

Policy context:

Local Development Framework
London Plan July 2011

Financial summary:

Defence of any appeal against Enforcement Action and remedy of the unauthorised development may have financial implications

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 enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report relates to works to provide lighting within the grounds of Upminster Court, a grade II listed building, undertaken without the benefit of planning permission. It is considered that the lighting that has been installed, given its nature, extent and type results in material harm to the historic setting of the building and its gardens. Additionally, the nature of the lighting close to

neighbouring residential properties results in undue light spillage adversely affecting residential amenity. A planning application for a lighting scheme, including the unauthorised lights has previously been refused. It is recommended that planning enforcement notices be served.

RECOMMENDATIONS

That the committee consider it expedient to issue Enforcement Notices on the owners / occupiers of the property requiring, within 3 months, that:

- (i) The 27 bollard lights within the grounds of the property be removed;
- (ii) The 6 floodlights at the base of trees to the front of the property be removed;
- (iii) The 6 spike uprights to the front of the property and 2 within the car park be removed.

That power to issue enforcement notice(s) against the owners / occupiers of the property including the precise wording of the breach, reasons for service and requirements be delegated to the Head of Regulatory Services, in consultation with the Assistant Chief Executive.

In the event of non-compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

REPORT DETAIL

1. Site Description

- 1.1 The site is located to the western side of Hall Lane and comprises the main Upminster Court, ancillary buildings and grounds. Upminster Court is a Grade II listed building. The gardens of Upminster Court were laid out at the beginning of 20th Century to accompany the building and are registered at Grade II on English Heritage's Register of Historic Parks and Gardens.
- 1.2 The site was previously owned by the Council and used as a training centre. The site was sold and planning permissions and listed building consents were granted between 2007 and 2011 in relation to the use of the buildings as a training centre including overnight accommodation and headquarter offices. These permissions have been implemented.
- 1.2 The surrounding area is characterised by residential properties to the north (properties in Hall Lane and River Drive) and south (properties in Hall Lane, Masefield Drive and Ruskin Avenue) with open space to the east (Upminster Hall Playing Fields) and west (Upminster Golf Course).

2.0 **The Alleged Planning Contravention**

- 2.1 The alleged planning breaches at the site relate to the installation of lighting in the grounds of the property.
- 2.2 There are 6 spike uplighters placed around the main Upminster Court Building. The uplighters provide an illuminated façade to the building during hours of darkness. There are 27 bollards incorporating lighting located either side of the central path, to the front of the main building and alongside the access way and car park to the south of the site. There are 6 floodlights placed in the ground adjacent to trees to the front of the main building – these floodlights are not always in use. There are a further two spike uplighters at the western end of the car park.

3.0 **Relevant Planning and Enforcement History**

- 3.1 There have been a number of planning and listed building consent applications. The following are the most relevant:

L0018.07 and P2370.07 - Change of use of training centre to a mixed use of training centre and associated overnight accommodation comprising 12 no. bedrooms. Change of use and extension of Coach House to provide managers accommodation and facilities ancillary to training centre. Demolition of existing bungalow and erection of a pair of semi detached dwellings with detached double garage for staff use. Provision of subterranean office accommodation at side of main building. Infill single storey extension to main building at front to provide refectory. Erection of new and rebuilding of existing greenhouse. Provision of 3 no. tennis and multi use games court. Resurfacing of car park. Alteration to access drives and internal roads. Rebuilding of front boundary wall and railings. Installation of boundary and security fencing. Approved.

L0001.10 and P0107.10 - Demolition of existing dwelling at No. 135 Hall Lane and construction of 2 no. detached bungalows adjacent to the Coach House. Provision of new access driveways from Hall Lane with new access gates and railings to site frontage Refused

L0006.10 and P0681.10 - Provision of new access driveways form Hall Lane with new access gates and railings to site frontage - Approved

L0008.11 and P0529.11 Provision of new access driveways from Hall Lane with new access gates and railings to site frontage (amendment of applications P0681.10) not yet determined.

L0011.11 Listed Building Consent for installation of a security system approved

P0051.11 Retention of re-located sub-station to a revised design (resubmission of P1228.10) approved.

P1793.11 External floor lighting, uprights and lamp standards. Refused

L0002.13 and P0149.13 Retention of enclosures to house mechanical plant and bin storage, including screen planting. Under consideration.

P0159.13 Perimeter pole enclosure for the existing hard courts. Under consideration

4.0 **Policy and Other Material Considerations**

- 4.1 Section 12 of the National Planning Policy Framework (NPPF) sets out policies for conserving and enhancing the historic environment. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through development within its setting. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.2 Paragraph 125 of the NPPF states that by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. National Planning Practice Guidance (Beta) on light pollution states that although artificial light provides valuable benefits to society, not all modern lighting is suitable in all locations. Guidance states further that for maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing light at the right time. Light intrusion occurs when the light spills beyond the boundary of the area being lit. Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow. More lighting does not necessarily mean better lighting. For example, large differences in adjacent lit areas can cause areas of high contrast or glare.
- 4.3 Policy 7.3 of the London Plan states that places should incorporate appropriately designed security features. Policy 7.8 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 4.4 Policy DC56 (Light) of the Council's Local Development Framework (LDF) states that in order to minimise the intrusion of artificial lighting, planning permission will only be granted for development, including artificial lighting, where it does not have a negative impact on the amenity of residents or public safety. Planning conditions may be used to control the level of luminance, glare, spillage, angle, type of lighting and hours of operation.

- 4.5 Policy DC61 (Urban Design) states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the area.
- 4.6 Policy DC67 (Buildings of Heritage Interest) states that proposals involving Listed Buildings or their setting will only be allowed where it does not adversely affect a Listed Building or its setting.
- 4.7 Policy DC63 (Delivering Safer Places) requires that security features be well designed.
- 4.8 Planning application reference P1793.11 proposed a lighting scheme for the site that included the lighting currently installed plus additional lighting columns which have not been installed. Planning permission was refused for the following reasons:
- 1 The proposed lighting, by reason of the excessive amount of lighting proposed and its inappropriate design and layout, is detrimental to the special character of the registered Historic Garden in which it will be located and the setting of the Grade II listed buildings. The proposal is therefore considered to be contrary to the NPPF and Policies DC61 and DC67 of the LDF, as well as Policy 7.8 of the London Plan.
 - 2 The proposed lighting, by reason of its design and the excessive amount of lighting proposed, will result in an unnatural degree of brightness to the grounds of this building that is detrimental to the character and appearance of the wider locality and to neighbouring residential amenity, contrary to Policies DC56 and DC61 of the LDF.
- 4.9 The bollard lighting has, in the main, been installed primarily to provide illumination for vehicles and pedestrians and does provide a level of security for users of and visitors to the site. Some of the bollard lighting, the floodlights below the trees and the uplights provide general illumination of the grounds and building rather than serving any specific security purpose. There is no in principle objection to providing lighting on the site and it is considered that a safe and secure environment should be provided through the use of appropriate lighting. The main consideration in relation to the lighting that has been installed is whether it is acceptable in relation to the setting of heritage assets (listed buildings and gardens) and whether there is any adverse impact on neighbouring residential amenity.
- 4.10 Upminster Court is a fine example of a substantial Edwardian Country Mansion, built in the Wren Revival in 1905 and designed by Professor Charles Reilly. Not only the house is listed, but the Stable Block, front gates and curved piers have their own independent entries on the statutory list (all are Grade II listed), and the garden in which they are set is included on the Register of Historic Parks and Gardens (Grade II). As such, although they are separately listed, the site should be considered as a complex of inter-related heritage assets, all of which must be preserved and enhanced to ensure complex retains its special historic and architectural character, as specified in the NPPF.
- 4.11 In the case of the lighting that has been installed, the amount of lighting is considered to be excessive to the extent that it would be detrimental to the

special character of the registered historic garden. Not only is the amount of lighting excessive but the type and location of the lighting proposed is also considered to be detrimental to the special character of the site.

- 4.12 The bollard lighting comprises 27 bollards, which is considered to be excessive. The style and layout of the bollards is very formal, which is out of keeping with the natural form and layout of the landscaped area. There are bollards lining the central driveway, which is not used by vehicles or pedestrians, and are therefore considered to be superfluous. Rather than providing directional light, for example downwards, the bollard lighting throws light in all directions, including upwards, creating a glow effect and lighting areas which are not required to be lit.
- 4.13 The floodlighting beneath the tree canopy at the site frontage and a number of spike uplighters results in a degree of lighting which floods the front of the site, rather than delicately drawing attention to key features. To the area to the front of the building, the effect of the and the floodlights beneath the trees is to produce a ambient glow that serves no real purpose other than to detract from the historic importance of the garden and the building itself. The degree of brightness is inappropriate to the character of this heritage site.
- 4.14 From inspection of the lighting at night, it is apparent that some parts of the site which are used by pedestrians are lit whilst others are in shade, and this does not provide a particularly safe, secure environment that the lighting was intended to provide. As part of the refused planning application, the Council's Secure by Design Advisor indicated that a lower level of lighting but with more consistent lux levels across the site would provide a more secure environment. He further advised that the whole frontage of the building and grounds would not need to be lit to ensure a safe environment as there is significant security in the form of controlled gates, railings, high level fencing and CCTV.
- 4.15 It is therefore considered, that the amount of lighting that has been installed is unnecessary and excessive and that the design and layout of lighting combines to form a lighting scheme that is significantly detrimental to the special character of the registered historic garden and Grade II listed building, contrary to the provisions of the NPPF, Policy 7.8 of the London Plan and Policy DC67 of the LDF.
- 4.16 The extent of lighting is considered to result in a level of brightness that would be uncharacteristic of this site and also the local area, to the degree that it would be harmful to local character and the streetscene. The proposal would therefore be contrary to Policy DC61.
- 4.17 The lighting bollards that are located to the entrance drive and car parking area produce a significant amount of upward illumination and glare. This is evidenced by the side fence and the rear and side elevation of the nearest property on Hall Lane being illuminated. It is considered that the overall degree of luminance produced by the development would be to a degree that is unreasonably harmful to neighbouring residential amenity. Without a specific planning permission being in place, there would be no way of controlling the hours of lighting or requiring sensors to control when the lights come on and off. Given the degree of lighting and lack of control it is

consider that there is material harm to the amenity of neighbouring residential occupiers, contrary to Policy DC56 of the LDF, NPPF and National Planning Guidance.

5.0 **Recommendation for Action**

- 5.1 For the reasons outlined above, the lighting that has been installed is considered to be unacceptable. Advice has been given to the agent representing the owners of the site as to what type of lighting scheme may be acceptable and they have been encouraged to engage a lighting engineer. However, the lighting remains in place without planning permission. The owners of the site have made some attempt to screen the side of the bollards facing the nearest residential property but the level of lighting is still considered to be detrimental to the residential amenity and there has been no changes to reflect the impact on the setting of designated heritage assets. A planning application was submitted in August to retain the lighting but it was not considered to be valid as details of the lighting levels were not provided to allow a full assessment to be made. The further details requested have not, to date, been submitted.
- 5.2 Taking into account the harm that has been identified, it is recommended that enforcement notices be served requiring the removal of the unauthorised lighting. It is considered that three months would be adequate period to secure compliance with the notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement proceedings may have financial implications for the Council

Legal implications and risks:

Enforcement action, defence of any appeal, and prosecution or other procedures required to remedy the breach of control will have resource implications for the Legal Services

Human Resources implications and risks:

No implications identified

Equalities implications and risks:

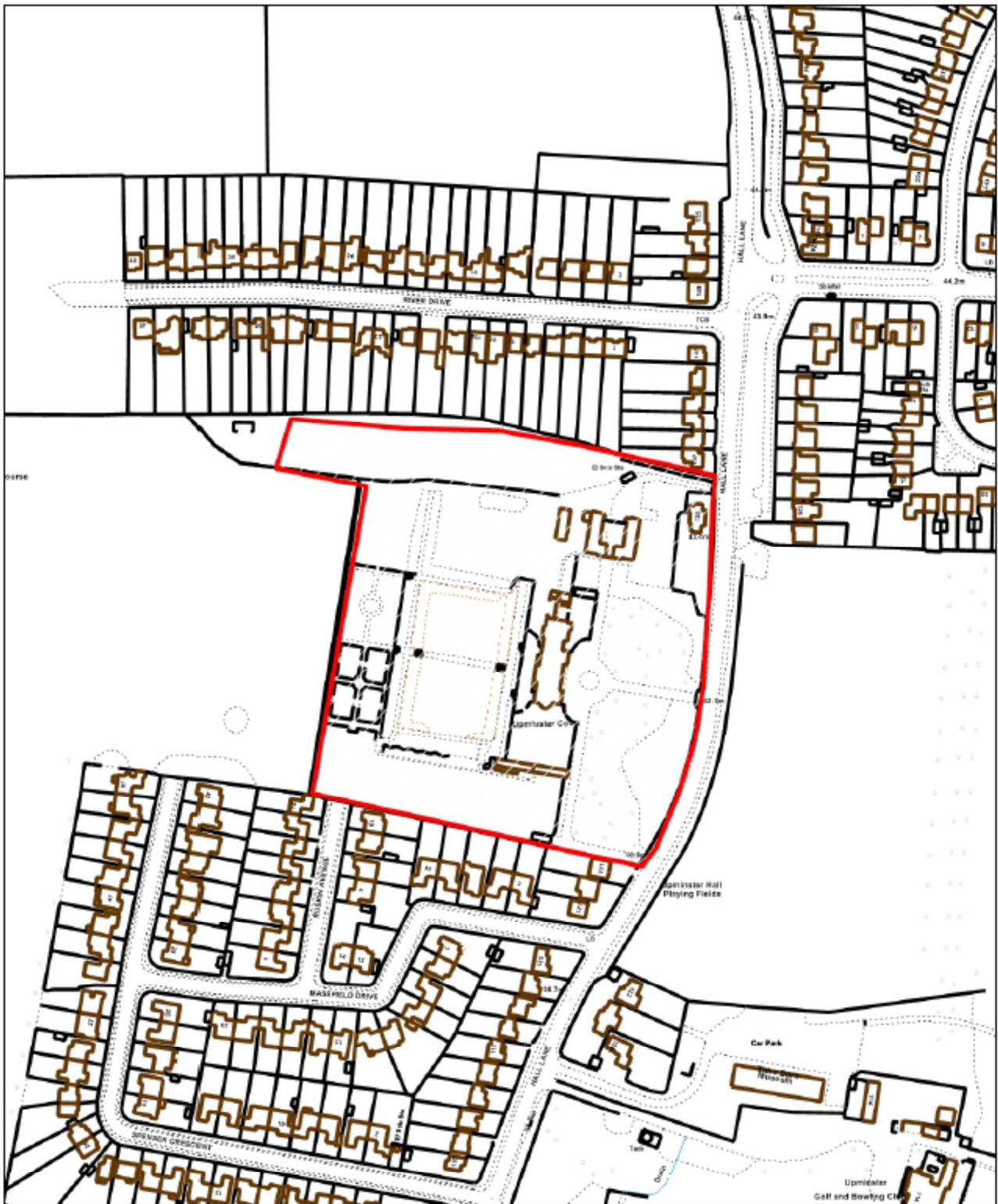
Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A) (1) of the Sexual 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.

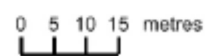
BACKGROUND PAPERS

1. Site

Plan



Scale: 1:2500
 Date: 09 October 2013
 Size: A4



London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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