



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
14 November 2013**

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

Members 11: Quorum 4

**COUNCILLORS:**

<b>Conservative ( 6 )</b>	<b>Residents' ( 2 )</b>	<b>Labour ( 1 )</b>	<b>Independent Residents' ( 1 )</b>	<b>UKIP 1</b>
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:**

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## **AGENDA ITEMS**

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

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

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

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

### **4 MINUTES (Pages 1 - 36)**

To approve as a correct record the minutes of the meetings of the Committee held on 22 August, 5 September, 12 September and 3 October 2013 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 37 - 56)**

- 6      **P0819.13 - 2-6 FITZILIAN AVENUE, HAROLD WOOD, ROMFORD** (Pages 57 - 72)
- 7      **P0988.13 - 3 MOUNTBATTEN HOUSE, ROMFORD** (Pages 73 - 80)
- 8      **P0074.13 - LAND AT SURRIDGE CLOSE R/O PARSONAGE ROAD, RAINHAM**  
(Pages 81 - 98)
- 9      **P1065.13 - 168 SUTTONS LANE, HORNCHURCH** (Pages 99 - 112)
- 10     **P1094.13 - FRANCES BARDSLEY SCHOOL, BRENTWOOD ROAD, ROMFORD**  
(Pages 113 - 122)
- 11     **P0786.13 - LAND AT GOOSHAYS DRIVE, HAROLD HILL** (Pages 123 - 144)
- 12     **P0203.13 - THE ALBANY COLLEGE, BROADSTONE ROAD, HORNCHURCH**  
(Pages 145 - 164)
- 13     **P0361.13 - BRIAR SITE 2A, HAROLD HILL** (Pages 165 - 168)
- 14     **ALLEGED BREACH OF PLANNING CONTROL AT RAINHAM ROAD SERVICE**  
**STATION, 14 RAINHAM ROAD, RAINHAM** (Pages 169 - 208)
- 15     **STOPPING UP ORDER - BRIAR ROAD** (Pages 209 - 218)
- 16     **STOPPING UP ORDER - BRIAR ROAD 2** (Pages 219 - 228)
- 17     **STOPPING UP ORDER - HILLDENE NORTH. HILLDENE AVENUE** (Pages 229 - 236)
- 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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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
22 August 2013 (7.30 - 9.15 pm)**

**Present:**

**COUNCILLORS:** 11

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

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents Group** David Durant

Apologies were received for the absence of Councillors Rebbecca Bennett and Mark Logan.

+Substitute members: Councillor Wendy Brice-Thompson (for Rebbecca Bennett) and David Durant (for Mark Logan)

Councillors Pam Light, Linda Trew, Keith Darvill and Denis O'Flynn were also present for parts of the meeting.

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

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

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

**73 MINUTES**

The minutes of the meetings held on 20 June, 27 June, 18 July and 1 August 2013 were agreed as a correct record and signed by the Chairman.

**74 P0361.13 - BRIAR ROAD SITE 2A**

The report before members detailed an application which proposed the construction of four 1 bedroom flats and two 3 bedroom houses. The flats

would be within a two storey building to be located at the southern end of the site, which would be linked via a single storey refuse/cycle store building, to the proposed two storey pair of semi-detached houses, which were to be located at the northern end of the site.

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

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

Councillor Darvill commented on the access arrangements between the application site and the existing flats. Councillor Darvill commented that the new proposed parking spaces should not block the access for existing users.

Councillor O'Flynn commented that although other proposed schemes in the area had been advertised for consultation this particular scheme had not been advertised.

Councillor O'Flynn asked that consideration be given to organising a site visit so ward councillors and residents could review the proposed plans.

In reply officers confirmed that any scheme that proposed less than ten dwellings did not need to be advertised.

During the debate members discussed the merits of the scheme and the possibility of overlooking into properties in Straight Road.

Members commented on the wider parking strategy for the Briar Road estate, discussing the parking provision for the area. A member commented that many of the garages were in derelict state and no longer fit for purpose. Officers advised that 216 garages in the area were un-let and derelict as they were no longer fit for purpose. Officers advised that the parking strategy would create 216 more useable parking spaces than had previously existed.

Following a motion to refuse planning permission which was lost by 4 votes to 7, it was noted that the proposed development was liable for a CIL payment of £5,860.00 it was **RESOLVED**

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

- A financial contribution of £36,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.

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

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

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

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

**75 P0969.10 - 119 MARLBOROUGH ROAD, ROMFORD**

The report before members detailed an application which sought permission for a change of use from A2 (financial and professional services) to residential, and the demolition of the existing disused commercial premises and erection of two 1 bedroom flats and two 2 bed flats with associated amenity space, car parking, access, landscaping and refuse storage.

Committee members noted that the application had been called in Councillor Pam Light on the grounds that the application had been submitted some time ago and that a decision should be made in a public forum.

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

With its agreement Councillor Pam Light addressed the Committee. Councillor Light commented that she was not for or against the proposed change of use but felt that a compromise should be reached with the applicant so that both parties could move forward.

During a brief debate members discussed the planning history of the site and the bulk and design of the proposed development.

Officers advised that reason number five for refusal should have made reference to planning policy DC72.

It was **RESOLVED** that planning permission be refused in line with officer recommendation.

The vote for the resolution was carried by 10 votes to nil with 1 abstention.

Councillor Tebbutt abstained from voting.

76 **A0029.13 - MARLBOROUGH ARMS, ROMFORD**

The application before members sought consent for a 1m high, 0.9m wide and 0.1m deep aluminium advert to be positioned within the existing Totem sign. The sign would consist of the text 'Tesco Express' in red and white writing on a blue background. The maximum illumination level of sign from the existing spot lights would be 500cd/m.

Members noted that the application had been called in by Councillor Linda Trew on the grounds that the proposal would be out of keeping with the existing streetscene.

With its agreement Councillor Trew addressed the Committee.

Councillor Trew commented that local residents had objected to the installation of an illuminated sign and wished to see the building kept in its original guise.

During a brief debate members questioned whether a condition could be placed on the proposal that would limit the hours of use that the sign was illuminated.

Officers advised that an additional condition could be included to limit the times the sign was illuminated, however this would not restrict the store's opening hours.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition limiting the illumination of the sign to the store opening hours.

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

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



- 77     **P0636.13 - 3 CROWN PARADE, UPMINSTER ROAD SOUTH, RAINHAM - CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) AND ALTERATIONS TO SHOP FRONT**

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

- 78     **P0783.13 - GROUND FLOOR SCIMITAR HOUSE, 23 EASTERN ROAD, ROMFORD - CHANGE OF USE OF GROUND FLOOR OF FULLY VACANT OFFICE BUILDING (B1) TO CLINIC (D1) FOR THE PROVISION OF RENAL SERVICES**

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services the granting of planning permission subject to the expiration of a press notice and provided no further representations raising new material considerations were received. In the event any further representations raising new material considerations being received the proposal would be brought back to the Committee for further consideration.

- 79     **P0875.13 - THE ARCADE (EAST), FARNHAM ROAD, HAROLD HILL**

The report before members was for the proposed construction of a new library within the Harold Hill shopping centre. The application had been submitted on behalf of the Council.

During a brief debate members agreed that the proposal would enhance community needs within the area. A member questioned whether the proposed building contained a mezzanine floor.

Officers confirmed that the building had been designed to allow for the later inclusion of a mezzanine floor if it was required.

The Committee noted that the proposal would be liable for a CIL payment of £9,900.00. It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 80     **P1526.07 - INTERWOOD SITE, STAFFORD AVENUE, HORNCHURCH - PROPOSED VARIATION OF SECTION 106 UNILATERAL UNDERTAKING**

The Committee considered the report and without debate **RESOLVED** that the variation of the Section 106 undertaking dated 12<sup>th</sup> August 2008 pursuant to planning permission reference number P1526.07 by Deed of

Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), be approved in the following terms:

1. Revise Definition of Affordable Housing Units from:

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

to:

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

2. Revise Definition of Nomination Agreement from:

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

to:

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

3. Add Definition:

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

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

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

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

81 **P0241.13 - QUEENS THEATRE, BILLET LANE, HORNCURCH**

The report before members detailed an application for the installation of 2x pole mounted antennas, 2x 600mm dish antennas, 1x equipment cabin and development ancillary thereto and handrails.

Members were advised that two late letters of representation had been received, including one from Councillor Andrew Curtin who had commented that the proposal would be of detriment to the area and was out of keeping with the streetscene in the town centre following the recently completed improvement works.

During the debate members questioned why the proposed equipment was due to be installed in a conservation area and queried why the equipment could not be installed on the fire station opposite the site.

Officers advised that the proposed scheme was required to support the Airwaves emergency services communications system and that situating the equipment too close to the fire station could have a detrimental effect on the performance of the equipment within the fire station.

Following a motion to refuse planning permission which was lost by 4 votes to 7, it was noted that the proposal did not attract a Mayoral CIL payment, and it was **RESOLVED** that planning permission be granted subject to the conditions set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 3 with 1 abstention.

Councillors Brice-Thompson, Hawthorn and Ower voted against the resolution to grant planning permission. Councillor Durant abstained from voting.

82 **P0298.13 - SOUTH HORNCURCH LIBRARY - RETENTION OF A PORTACABIN AND CHANGE OF USE TO A NURSERY AND STORAGE FOR THE LIBRARY SERVICE**

The Committee considered the report, noting that the proposal did not attract a Mayoral CIL payment, and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

83 **P0689.13 - LAND ADJOINING CENTRAL PARK LEISURE CENTRE GOOSHAYS DRIVE ROMFORD - DEVELOPMENT OF LAND TO THE FRONT OF THE EXISTING LEISURE CENTRE FOR CAR PARKING FOR THE ADJOINING MYPLACE YOUTH CENTRE**

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

84 **P0535.13 - ROYAL YOUTH CENTRE, RAINHAM - ERECTION OF A SECOND FLOOR AT ROOF LEVEL TO THE EXISTING YOUTH CENTRE TO PROVIDE A YOUTH ENTERPRISE SPACE, A MULTI PURPOSE SPACE, ANCILLARY SPACES AND MINOR INTERNAL MODIFICATIONS TO THE BUILDING**

The Committee considered the report and noted that the proposal was liable for a CIL payment of £3,280.00 and without debate it was **RESOLVED** to grant planning permission subject to the conditions as set out in the report.

85 **STOPPING UP ORDER, LITTLE GERPINS LANE**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

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

86 **STOPPING UP ORDER, GARRICK HOUSE, HORNCHURCH**

The Committee considered the report and without debate **RESOLVED** that subject to the payment of legal costs in respect of the processing of the stopping up application and all related time costs and disbursements costs pursuant to advertising notices that:-

- 1.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (Plan 1), with the section of diverted highway created shown in stipple notation on a further plan attached (Plan 2), as the land is required to enable development for which the Council has granted planning permission under planning reference P0665.13 to be carried out to completion and the diversion of the footway between points "A" and "B" as shown on the plan
- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

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**Chairman**

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
5 September 2013 (7.30 - 8.35 pm)**

**Present:**

**COUNCILLORS:** 10

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

**Residents' Group** Linda Hawthorn and Clarence Barrett

**Labour Group** +Denis O'Flynn

**Independent Residents Group** +Michael Deon Burton

Apologies were received for the absence of Councillors Robby Misir, Ron Ower, Paul McGeary and Mark Logan.

+Substitute members: Councillor Pam Light (for Robby Misir), Councillor Clarence Barrett (for Ron Ower), Councillor Denis O'Flynn (for Paul McGeary) and Councillor Michael Deon Burton (for Mark Logan)

Councillors Andrew Curtin and Linda Van den Hende were also present for parts of the meeting.

8 members of the public were present.

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

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

**87 DISCLOSURE OF PECUNIARY INTERESTS**

*Councillor Barry Tebbutt declared a personal interest in item P0206.13. Councillor Tebbutt advised that he had used the application site for recreational purposes. Councillor Tebbutt left the room during the discussion and took no part in the voting.*

88 **P0206.13 - FISHING LAKE ADJACENT TO BRAMBLE FARM, BRAMBLE LANE, UPMINSTER**

The report before members detailed an application for the upgrading of the existing lake in order to utilise it for fishing. Works would include the increasing of the average depth from 3 metres to 3.8 metres and create a 2 metre wide ballast safety ledge around two sides of the lake. In addition it was proposed to create a small wildlife island within the lake.

Members noted that the application had been called in by Councillor Linda Van den Hende for the following reasons: The proposals were inappropriate in terms of size, lack of car parking and consideration for health and safety. Access to the site was shared and therefore whilst suggesting it would be for family only, control would be impossible. In addition the proposal would be very intrusive to the neighbouring property.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector raised issues which included the likelihood of the lake being used for commercial fishing; the proximity of the application site to neighbouring dwellings and the percentage of the site occupied by the lake. The applicant's response referred to the works being undertaken to create a safety ledge and that the hours of construction would be subject to a planning condition, further the limited number of parking spaces (4) would restrict the use of the site to modest use.

With its agreement Councillor Linda Van den Hende addressed the Committee. Councillor Van den Hende commented that the lake was home to several large species of fish and that to move the fish whilst excavation works took place could lead to the possibility of disease to the stock. Councillor Van den Hende also commented that there was no capacity on the site to be able to provide four parking spaces as mentioned in the report and there was no provision for security to be stationed at the entrance to the site therefore allowing anyone access to the site. Councillor Van den Hende asked that the Committee gave consideration to refusing the scheme for the reasons mentioned above.

During the debate members clarified the proposed number of users of the lake and the distance of the lake from the neighbouring property. It was established that there was no objection from the Environment Agency and that no materials were to be taken from the site.

Following a motion to refuse planning permission which was lost by 4 votes to 5, it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition and the following amendments:

- Additional condition requiring submission, approval, implementation and adherence to a phasing plan to ensure that all importation of material



onto the site necessary to undertake the approved development be completed within 3 years of commencement of development; plus;

- Amend condition 4 to delete reference to "..... particulars and specifications".
- In condition 9 insert after the end of the condition "and all other materials deposited on the land whether or not imported onto the application site shall be tested and shown to be free of any contamination

The vote for the resolution was carried by 5 votes to 4. Councillors Barrett, Hawthorn, O'Flynn and Burton voted against the resolution to grant planning permission.

*As stated at the beginning of the minutes Councillor Barry Tebbutt declared a personal interest in item P0206.13. Councillor Tebbutt advised that he had used the application site for recreational purposes. Councillor Tebbutt left the room during the discussion and took no part in the voting.*

**89 P0085.13 - 28 ASHLYN GROVE HORNCHURCH**

The application before members detailed a proposal for a rear extension and front, side and rear dormer windows.

Members were advised that the application had been called in for consideration by the Chairman on the grounds that the application raised streetscene concerns.

During a brief debate members raised concerns over how the proposed development would sit within the streetscene.

Following the debate it was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and with the following amendment to condition 3 deleting the wording "particulars and specifications".

The vote for the resolution to grant planning permission was carried by 8 votes to 1 with 1 abstention.

Councillor Oddy voted against the resolution to grant planning permission. Councillor Light abstained from voting.

**90 P0830.13 - 40 HIGH STREET ROMFORD - CHANGE OF USE FROM A MIXED CLASS A3/A5 TO A COMMUNITY CENTRE (FAITH GROUP) FOR YOUNG ADULTS (D1) AND A GARAGE CONVERSION**

Members were advised that an email supporting the proposed application had been received from Councillor Andrew Curtin.

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

- To prevent external amplified sound whether music or otherwise.
- Require scheme to be submitted to and approved by the Local Planning Authority prior to commencement of development to control the assembly of people arriving at and leaving the premises.

91 **P0817.13 - ABBS CROSS ACADEMY AND ARTS COLLEGE, ABBS CROSS LANE, ELM PARK - DEMOLISH A TWO STOREY TEACHING BLOCK AND REPLACE WITH A THREE STOREY TEACHING BLOCK ON THE ADJACENT SITE**

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

92 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

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

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 1 June 2013 and 26 July 2013.

The report detailed that 17 new appeals had been received since the last meeting of the Monitoring Committee in June 2013.

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

94 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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

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

95 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

96 **EXCLUSION OF THE PUBLIC**

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

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 1 June 2013 and 26 July 2013.

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

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
12 September 2013 (7.30 - 9.00 pm)**

**Present:**

**COUNCILLORS:** 10

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

**Residents' Group** Linda Hawthorn and +Brian Eagling

**Labour Group** Paul McGeary

**Independent Residents Group**

Apologies were received for the absence of Councillors Ron Ower and Mark Logan.

Substitute members: Councillor Brian Eagling (for Ron Ower)

Councillor Clarence Barrett was also present for parts of the meeting.

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

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

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

**98 P1510.12 - R/O 57 BROOKDALE AVENUE, UPMINSTER**

The report before members detailed an application for the erection of two semi-detached bungalows to the rear of 57 Brookdale Avenue.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of access issues, size of the dwellings and the impact the dwellings would have on existing properties in Brookdale Avenue.

Members were advised that one late letter of representation had been received that claimed the application site was in a state of neglect but was not derelict.

Officers advised of the following amendments to the report:

Page 33 – the description of the proposal should read 2 semi-detached houses, not two detached houses;

Paragraph 2.8 of the report should have read “the proposal would **NOT** result in the removal of trees from within the site”

Paragraph 6.5.7 of the report should be amended to reflect that the fence, referred to therein, was installed by the occupants of number 51 Brookdale Avenue and not the applicant and that the fence is outside the control of the applicant.

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

With its agreement Councillor Clarence Barrett addressed the Committee on behalf of Councillor Ron Ower. Councillor Barrett commented that the application was for the erection of two bungalows in a back garden environment. Councillor Barrett also raised concerns regarding noise levels and disturbance that would be suffered by existing residents during the construction period. Councillor Barrett also highlighted the loss of amenity that residents would suffer from once the proposed dwellings had been built. In summation Councillor Barrett commented that the proposal was an out of place development on a small piece of land that would be of detriment to residential amenity.

During the debate members received clarification on the width of the driveway leading to the proposed properties and the current condition of the site. A member raised safety concerns over the width of the drive way.

In reply to a question officers confirmed that the number of dwellings proposed was well within the Council’s guidelines. A member noted a number of similar development sites that had been granted planning permission within the borough.

Following a motion to refuse the granting of planning permission which was lost by 3 votes to 7.

The committee noted that the proposed development would be liable for a CIL payment of £3,026.32. It was **RESOLVED** that:

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

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

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

The vote for the resolution to grant planning permission was carried by 7 votes to 3.

Councillors Hawthorn, Eagling and Osborne voted against the resolution to grant planning permission.

**99 P0518.13 - 111-115 NORTH STREET ROMFORD**

The report before members detailed a proposal for the change of use of an existing office building to a mix of D1 uses, primarily a centre of worship and educational facility. According to the submitted plans, the proposal would include the following elements:

- a) A multi-purpose hall with capacity for 90 people at ground floor level;
- b) Classrooms, break out areas, playroom, therapy room, office and waiting area at first floor level. These aspects of the proposal would relate to a school for autistic children, community education, marriage and educational counselling, and tuition for school age children;
- c) An office, resident pastor's office, library, and two accommodation units each containing living areas and two bedrooms at second floor level for use by the resident pastor and caretaker.

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

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

During the debate members queried the age range and care needs of the proposed users as this had not been made clear in the application. A member noted that the application failed to provide evidence supporting the necessity of such a facility.

Members also questioned why there was mention of living areas and bedrooms when there was no apparent need for residential accommodation.

Members also sought to clarify what safeguards were to be put into place to prevent children accessing busy roads surrounding the application site.

Several members queried the lack of information submitted by the applicant in the report.

It was **RESOLVED** that consideration of the report be deferred to allow the applicant to clarify the following points:

- Exactly what education facilities were being proposed?
- What defined age range of children/young people were proposed?
- What was the defined educational need, by whom and why no supporting evidence, eg agencies?
- What was the basis of the autistic education and what safety measures would be in place to safeguard children?
- Confirmation of the teacher/pupil ratios, class sizes and numbers.
- What justification was there for residential on site if not to permit access to others overnight?
- How was "family" defined and what was proposed for "family" use?
- Confirmation as to whether or not parking provision was adequate for the component parts of the use, once clarified.

100 **P0641.13 - COOPERS COMPANY AND COBORN SCHOOL, ST MARY'S LANE, UPMINSTER**

The report before members detailed a proposal to construct a new car park area within the existing grassed area between the school access road and the small piece of land adjacent to the Royal British Legion building to the west of the school site. The parking would provide spaces for 70 vehicles with a drop off point for school/buses and pupils. Low level lighting would also be provided to ensure sufficient lighting levels for pupils and visitors to access their vehicles. The proposed car park would be surrounded by grass and landscaped verges and the whole area would be enclosed by a security weld mesh fence.



During a brief debate members sought clarification as to where the exit of the car park was situated in conjunction with the zebra crossing located outside of the school.

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

101 **P0630.13 - 88 NORTH STREET ROMFORD - CHANGE OF USE OF SHOP FROM A1 USE TO USE FOR THERAPEUTIC MASSAGE (SUI GENERIS)**

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

102 **P0038.13 - 34 MAYGREEN CRESCENT, HORNCHURCH - DEMOLITION OF PRAM SHEDS, EXTERNAL ALTERATIONS, EXTERNAL RAMP AND CONVERSION OF EXISTING BEDSIT TO CREATE ONE 2 BEDROOM FLAT FOR WHEELCHAIR USE**

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

103 **PLANNING CONTRAVENTION - REAR OF 39 COLLIER ROW LANE**

The Committee considered the report and considered it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

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

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

104 **P0585.12 - 65 GUBBINS LANE, HAROLD WOOD - SIXTEEN NEW BUILD RESIDENTIAL FLATS AND HOUSES AS 1 BEDROOM, 2 BEDROOM AND 3 BEDROOM UNITS IN TWO BLOCKS FROM 2 TO 4 STOREYS IN HEIGHT WITH CAR PARKING BAYS AND ASSOCIATED COMMUNAL LANDSCAPED AREAS AND PRIVATE GARDENS**

The Committee considered the report and following a motion to refuse planning permission which was lost by 5 votes to 5, with the Chairman exercising his casting vote.

It was **RESOLVED**:

That the Committee noted that the development proposed was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee was based on an internal gross floor area of 1238m<sup>2</sup> and amounted to £24,760.

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

- The sum of £96,000 towards the costs of infrastructure associated with the development in accordance with the Planning Obligations SPD;
- The sum of £37,978 towards the costs of affordable housing within the borough, in accordance with Policies DC6 and DC72 of the LDF;
- 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 completion of the agreement shall be paid prior to the 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.

And that the following covenant be entered into by the owner of the land pursuant to Section 16 General London Council (General Powers) Act 1974:-

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme. For the avoidance of doubt this

covenant will bind successors in title of any owner entering the agreement and any person claiming through or under them.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured by 13<sup>th</sup> November 2013 thus extending the previous time extension by 2 months, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution was carried by 5 votes to 5 with the Chairman exercising his casting vote.

Councillors Oddy, Tebbutt, Bennett, Evans and Kelly voted for the resolution to grant planning permission.

Councillors Brace, Eagling, Hawthorn, McGeary and Osborne voted against the resolution to grant planning permission.

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**Chairman**

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

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair),  
Rebecca Bennett, Jeffrey Brace, Steven Kelly and  
+Robby Misir

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents  
Group** David Durant

**UKIP Group** +Lawrence Webb

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

+Substitute members: Councillor Robby Misir (for Roger Evans), Councillor Lawrence Webb (for Fred Osborne) and Councillor David Durant (for Mark Logan).

Councillors Andrew Curtin, Wendy Brice-Thompson and Gillian Ford were also present for parts of the meeting.

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

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

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

**105 P0839.12 - SERVICE HOUSE 37 MANOR ROAD ROMFORD**

The planning application before members was a resubmission, following a recent refusal and related to the demolition of an existing office building and the erection of a block of 42 flats on 4/5-storeys with parking and amenity space.

Members were advised of the changes to the proposal including the removal of the proposed sixth storey which meant the proposal did not fall within the tall buildings policy.

Members noted that the revised proposal included the same number of units but that some of the units proposed were now smaller than in the previous application.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector raised issues which included the aesthetics of the proposed building, loss of amenity space, levels, adverse impact on privacy, adverse impact on capacity of sewers, adverse impact on traffic locally and overdevelopment of the site. The applicant's response confirmed that all 42 units were to be made available as affordable housing, the area is a mix of old and new buildings, aesthetics have been addressed in the design, the boundary treatment retained mature boundary trees, the revised scheme addressed the previous concerns of residents and that the new submission blended in with the adjacent development on the site.

With its agreement Councillor Andrew Curtin addressed the Committee, Councillor Curtin confirmed that he supported the officer's recommendation for refusal on the basis that the proposed development did not fit in with the Victorian character of surrounding properties in Manor Road and failed to make an appropriate and acceptable link between the old and new building forms. Councillor Curtin also commented that the scale and bulk of the proposal was unacceptable and also did not sit suitably with properties in Marwell Close.

During the debate members clarified the distances between the proposed development and the existing properties in Marwell Close and Manor Road.

Members also discussed the possible increase in traffic levels that could have been created by the proposal but it was agreed that there had been significant traffic movements when the site had been used for industrial purposes.

Members also discussed the relationship between the proposed block and the recently completed block adjacent to the site, in particular overlooking from windows in both blocks. Officers clarified that window opposite were in part serving kitchens.

Members also clarified the "provision of affordable housing" with the Legal Representative.

Following a motion to grant planning permission which was lost by 5 votes to 6, it was **RESOLVED** that planning permission be refused in line with officer recommendation.

The vote for the resolution to refuse planning permission was carried by 6 votes to 5 for the following reasons:-

1. The proposed development would, by reason of its height, scale, obtrusive bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. The proposal would, by reason of its scale, massing, bulk and layout result in an obtrusive and oppressive development adversely impact on the rear garden scheme and adversely impacting on outlook from neighbouring properties to the detriment of residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
3. The proposal would, by reason of an unacceptably excessive increase in traffic activity, result in harm to the living conditions of existing nearby residents through noise and congestion contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
4. The proposal would, by reason of its design, including its form, external appearance and layout, not be of a sufficiently high quality of design and layout as to justify the excessively high density proposed, contrary to Policies DC2, DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
5. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the Havering Planning Obligations Supplementary Planning Document.

Councillors Oddy, Hawthorn, Ower, McGeary, Osborne and Durant voted for the resolution to refuse planning permission.

Councillors Bennett, Brace, Kelly, Misir and Tebbutt voted against the resolution to refuse planning permission.

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

The application was for a change of use from residential to a Day Service Centre. The intended use was for the provision of a Day Service and Respite for adults with learning disabilities and autism. The application

would include the use of the existing outbuilding at the back of building as an activity centre.

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

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

Officers advised that 1 late letter of representation had been received which detailed concerns from neighbours regarding possible noise that users of the facility could create. The late objection was read out in summary.

Officers also confirmed that following a previous concern regarding bats in the outbuilding. The Council's Ecology had confirmed that there was no evidence of bats utilising the inside of the building as a roost.

Members noted that the application had been called in by Councillor Sandra Binion on the grounds of concerns raised regarding a business use in a residential area and the additional traffic pressures on an already busy road with traffic issues.

With its agreement Councillor Sandra Binion addressed the Committee as a ward member. Councillor Binion commented that the building was situated within the Green Belt and there was a great deal of demand for dwellings in Green belt areas. Councillor Binion advised that there would be an impact on amenity and that the road leading into the village already suffered from high levels of traffic movements. Staff confirmed that buildings on site had been checked and that there was no evidence of Bats roosting.

During a brief debate members discussed the need for such facilities within the borough, the impact the proposal would have on the village and the low numbers of people in respite care at the facility.

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

107 **P0870.13 - 2A DEYNCOURT GARDENS, UPMINSTER**

The planning application before members proposed the demolition of the existing dwelling and the erection of a new building containing nine 2-bedroom 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.

Members were advised that there was an amendment to the report.

The report stated that the proposed building would be located approximately 1 metre from the boundary with the highway. The actual distance was between 2.3 and 3.3 metres.

Officers also clarified that the second refusal reason shown in the report should be interpreted as although the proposal would not overshadow the neighbouring church site it could prejudice the potential development potential of the church site. Officers clarified that the second refusal reason was based on Planning Policy DC61.

Members noted that the application had been called in by Councillors Barry Tebbutt and Gillian Ford.

Councillor Tebbutt had called the application in on the grounds of boundary and overlooking issues, and the relationship between the proposal and the church.

Councillor Ford had called the application in on the grounds of over intensification of development, height of development was over that of properties directly opposite and adjacent and not in keeping with the streetscene.

With its agreement Councillor Ford addressed the Committee.

Councillor Ford commented that the over intensification of the proposal would have an adverse impact on the amenity of the area. Councillor Ford also commented that the height of the proposed development would be at odds with the existing properties in Deyncourt Road. Councillor Ford concluded that the proposal would be an overdevelopment of the site resulting in a lack of amenity space, would have an adverse effect on the highway through the overspill of traffic and would have an overbearing impact on the adjoining church site.

During the debate members discussed the impact the development would have on the adjoining church site and existing properties in the area that had been re-developed.

Members also discussed the Hall Lane Special Policy which had previously been introduced to ensure adequate levels of amenity space for future occupiers of new developments.

During the debate members advised that they were minded to approve the granting of planning permission but were concerned that as the report recommended refusal there were no Section 106 terms or conditions attached to the report.

The report recommended that planning permission be refused, however following a motion to defer the consideration of the proposal it was **RESOLVED** that consideration of the proposal be deferred to allow officers to bring back a report identifying terms for a Section 106 agreement and planning conditions should members be minded to resolve to grant permission and to include a background summary on the Hall Lane Special Policy including identifying whether all or part, of the site was within the policy's area.

The vote to defer consideration of the report was carried by 9 votes to 2.

Councillors McGeary and Durant voted against the resolution to defer the consideration of the report.

108 **P0738.12 - 223 PETTITS LANE NORTH, ROMFORD - CHANGE OF USE FROM A LAUNDERETTE TO A TANNING SALON**

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services the granting of planning permission subject to the expiry of the consultation period not generating any further representations raising new material considerations. If new material considerations were raised in further representations then the application would be brought back to the Committee for consideration.

109 **P0917.13 - UNIT 24 BEAM REACH 8C, FERRY LANE, RAINHAM - RESERVED MATTERS APPLICATION FOR THE ERECTION OF A NEW STORAGE BUILDING (RE OUTLINE APPLICATION P1901.11)**

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

110 **P0936.13 - CEME MARSH WAY RAINHAM - CREATION OF THREE STOREY EDUCATION FACILITY AND RE-MODELLING OF EXISTING CEME BUILDING WITH ASSOCIATED LANDSCAPING WORKS**

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to resolution (either by removal or through an agreed condition) of the Environment Agency's current objection on drainage grounds. If this matter was unresolved then the application would be brought back to the Committee for consideration.

111 **P0847.13 - WESTLANDS PLAYING FIELDS LONDON ROAD ROMFORD - NEW FOOTBALL GROUND WITH RELATED FACILITIES INCLUDING A PAVILION INCORPORATING CHANGING ROOMS, SHOWER FACILITIES AND BAR AREA. NEW TERRACING STAND AND TOILET BLOCK, EIGHT FLOODLIGHT MASTS, PERIMETER FENCING AND CAR PARKING AREA**

The Committee considered the report noting that the proposal attracted a Mayoral CIL payment of £17,879.18 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.

Councillor Kelly abstained from voting.

112 **P1136.12 - 1A HILLVIEW AVENUE HORNCHURCH - SINGLE STOREY DWELLING**

The Committee considered the report noting that the development proposed was liable for a Mayoral CIL payment and that the applicable charge would be calculated at the submission of reserved matters application and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, to be acquired by the applicant. This is to ensure that clear and unobstructed pedestrian visibility splays.
- A financial contribution of £6k per dwelling unit towards the infrastructure costs arising from the development would be required at the time of the reserved matter application to fulfil the requirements of the Planning Obligations SPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

- Delete “first occupation of the proposed dwelling in question” in the first bullet point of the Heads of Terms of the Section 106 agreement and substitute in its place “commencement of development”
- To include an additional condition requiring submission, approval and implementation of a scheme to address noise from the railway.

113 **P0010.12 - DAMYNS HALL AERODROME**

The application before members was for permission to provide a building and outdoor area to provide light aircraft storage and included the demolition of some existing lawful buildings on the site.

During the debate members discussed the substantial growth that had taken place on the site in the recent years and recent planning enforcement action that had been taken against the site owners.

Members also sought clarification of the current situation regarding enforcement action and clarified the number of aircraft that would be stored on the site.

Officers advised that were planning permission granted it would allow the storage of up to fifty planes at the site then the site would benefit from unrestricted take offs and landings.

Officers also confirmed that the Planning Inspectorate had previously agreed that the operation and noise of the airfield did not impact on the surrounding highway.

Members also mentioned the noise that was created by micro-light aircraft using the airfield and asked that all references to aircraft in the legal agreement to include Micro-lights. Member inquired as to the basis for increasing the numbers of light aircraft from the limit of 15 set in the Certificate of Lawful Existing Use and Development to 50. Officers explained that there was no control under the said Certificate on the number of take-offs and landings.

Members noted that the proposed development would be liable for a Mayoral CIL payment of up to £10,800 and it was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the

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

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

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

- All references to “light aircraft” to include “micro-lights”
- Amend condition 4 to include the overnight parking of helicopters

The vote for the resolution was carried by 8 votes to 2 with 1 abstention.

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

Councillor Webb abstained from voting.

114 **P0640.13 - CORBETS TEY SCHOOL HARWOOD HALL LANE - NEW STAFF CAR PARK WITH VEHICULAR ACCESS OFF HARWOOD HALL LANE AND TWO METRE MESH FENCE TO PERIMETER**

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

115 **P0314.13 - DECATHLON CAR PARK ANGEL WAY ROMFORD - USE OF SITE AS A TEMPORARY CAR PARK WITH CAR WASH FACILITY**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant signing a Section 106 agreement, to secure the following:

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

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

116 **PLANNING CONTRAVENTION - 3 AUSTRAL DRIVE**

The Committee considered the report and without debate **RESOLVED** it expedient that an Enforcement Notice be issued and served to require within 3 months of the effective date of the enforcement notice:

- i) Demolish the unauthorised decking or reduce in height the unauthorised decking to a maximum height of 0.3m measured from natural ground level.
- ii) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance of (i) above.

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

117 **PLANNING CONTRAVENTION - 38 HEATON AVENUE**

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

1. Carry out the remedial works required to bring the dormer to within permitted development conditions set out in the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1 Class B, and supporting Technical Guidance by finishing with materials of a similar colour and design to the materials used in the main roof of the dwellinghouse
2. Remove from the Land all waste materials and rubble resulting from compliance with 1 above.

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

118 **P0968.13 - THE CHAPEL HALL LANE UPMINSTER - DEMOLITION OF EXISTING CHAPEL BUILDING, CHANGE OF USE OF SITE FOR RESIDENTIAL USE, CONSTRUCTION OF ONE 2 BEDROOM BUNGALOW WITH DETACHED GARAGE**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL payment of £2,426 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant signing a unilateral undertaking, to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contributions 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 Unilateral Undertaking to the date of receipt by the Council.
- The Developer/Owner to pay the appropriate planning obligation monitoring fee prior to completion of the Agreement.

That the Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the conditions as set out in the report and to include an additional condition restricting the use

of the garage to garaging of motor vehicles and for no other use such as living accommodation.

119 **SUSPENSION OF STANDING ORDERS**

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

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**Chairman**



## Regulatory Services Committee

14 November 2013

### Item 5

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-3	P0043.13	South Hornchurch	58 Edmund Road, Rainham
4 – 7	P0648.13	Gooshays	Alicia Cottage, Paternoster Row, Noak Hill, Romford.
8-12	P0708.13	Hacton	69 Suttons Avenue, Hornchurch
13- 17	P0761.13	St Andrew's	2 Link Way, Hornchurch

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## REGULATORY SERVICES COMMITTEE

14th November 2013

<b>APPLICATION NO:</b>	<b>P0043.13</b>	
<b>WARD :</b>	South Hornchurch	<b>Date Received:</b> 29th January 2013 <b>Expiry Date:</b> 26th March 2013
<b>ADDRESS:</b>	58 Edmund Road Rainham	
<b>PROPOSAL:</b>	Single storey rear extension plans amended by applicant 18/10/13)	
<b>DRAWING NO(S):</b>	Block plan Site plan (revised) 58EDMUNDRD.FLOOR PLAN.03 58EDMUNDRD.PROP.ELEVATIONS.02 (amended by applicant 18/10/13) 58EDMUNDRD.EX.ELEVATIONS.01 (amended by applicant 18/10/13)	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called to Committee by Councillor Tebbutt on the grounds that the 45 degree infringement is minor.

### **SITE DESCRIPTION**

The subject dwelling is a single storey, detached bungalow which lies on the north side of Edmund Road. The road comprises a very varied mix of residential properties, both in age and design and the subject dwelling is flanked with bungalow properties on either side.

Two off-street parking spaces are available to the front of the property and no trees of any amenity value will be affected by the proposal.

The land level drops somewhat at the rear of the property (north).

### **DESCRIPTION OF PROPOSAL**

The property has already been partly extended to the rear by nearly 4m with a lower ridge line to the hipped roof than the original property, alongside which is an existing lean-to extension to the same depth with a sloping roof, the highest point of which tucks under the eaves.

It is proposed to demolish the conservatory and construct an extension which will infill the space and extend across the entire width of the property to be roughly 2.8m deeper than at present.

Presently the roof has a maximum height of 5.3m which drops over the existing extension. The new roof over the proposed extension will be raised to the same height as the original property, and hipped in the rear elevation.

### **RELEVANT HISTORY**

ES/HOR/880/50 - Extension to bungalow - Approved

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### **CONSULTATIONS/REPRESENTATIONS**

No representations have been received.

### **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document.  
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

### **MAYORAL CIL IMPLICATIONS**

The application is not CIL liable.

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

The proposed extension will not be visible from the front streetscene, therefore no issues arise in this respect.

When viewed in the rear garden environment it will relate satisfactorily to the subject dwelling and will result in no undue rear garden scene issues arising.

### **IMPACT ON AMENITY**

As discussed above, the property has already been extended to the rear and the total depth of extensions will be around 6.8m if the proposed extension is constructed, which is contrary to Guidance which advises single storey extensions to a detached property should not exceed 4m unless special circumstances exist.

Neighbours on either side are also bungalow properties with No.60 having accommodation within its roofspace. Both neighbours have also extended to the rear with No.56 projecting further into the rear garden area than the subject dwelling at present.

It is considered therefore that if the proposed extension projects further than this neighbouring extension it will not be by very much and the impact will be minimal and not sufficient to withhold planning permission.

However, with regards the neighbour to the west (angled slightly north) No.60, the impact will be more serious.

This neighbour does not extend as far into the rear garden environment as the subject dwelling at present and the additional depth proposed will result in the subject dwelling projecting around 6m further into the garden area. Additionally the higher roof ridge over the original bungalow will be continued over the proposed extension which will be exacerbated by the drop in ground level to the rear of the property.

A notional 45 degree line has been drawn at the 4m point on the boundary to assess impact of the development and this is impeded.

Staff consider therefore that the excessive depth and height of the proposed extension will result in an unneighbourly development that will cause unacceptable loss of sunlight and daylight during the morning hours to the rear facing windows and private patio area of this neighbour, and furthermore will appear as a dominant and incongruous element in the rear garden environment, contrary to Guidance.

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### **HIGHWAY/PARKING**

No highway issues arise.

### **KEY ISSUES/CONCLUSIONS**

For the reason discussed above, the proposal under consideration is considered to be contrary to the aims and objectives of the above Policies and refusal of planning permission is therefore recommended.

However, it is accepted that this view may not be taken by Members and in the event of this recommendation being turned around to an approval of planning permission, it is recommended that standard conditions be attached to ensure the development is commenced within three years of the date of decision (SC4) and that the use of matching materials is employed (SC10).

### **RECOMMENDATION**

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

#### **1. Reason for refusal - Residential Extensions**

The proposed rear extension would, by reason of its excessive depth, height and position, be an intrusive and unneighbourly development, as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations Supplementary Planning Document.

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<b>APPLICATION NO:</b>	<b>P0648.13</b>	
<b>WARD :</b>	Gooshays	<b>Date Received:</b> 24th May 2013 <b>Expiry Date:</b> 19th July 2013
<b>ADDRESS:</b>	Alicia Cottage Paternoster Row Noak Hill Romford	
<b>PROPOSAL:</b>	Single storey rear extension	
<b>DRAWING NO(S):</b>	2785.02 2785.03	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **SITE DESCRIPTION**

The application site is a detached dwelling located on the west side of Paternoster Row which is situated within the Metropolitan Green Belt. There are previous extensions to the cottage including a two storey side addition, a first floor rear extension and also a rear conservatory.

Ground level gently rises from the back of the house towards the rear garden. There is also an outbuilding to the north of the house with at least two car parking spaces directly to the front on hardstanding. No trees will be affected.

The surrounding area comprises of similar and also larger residential properties sparsely arranged along Paternoster Row, which set back towards areas of open land.

### **DESCRIPTION OF PROPOSAL**

The applicant is seeking planning consent to remove/replace an existing rear conservatory with a single storey rear extension.

The proposed extension is 4 metres deep by 4.8 metres wide, and will feature a pitched roof including two rooflights which is set 2.8 metres high to the eaves and 3.5 metres high to the ridge. Plans indicate that the extension will be used as a Sun Lounge.

### **RELEVANT HISTORY**

D0198.12 - Certificate of lawfulness for a detached garden room to rear garden

PP not required 13-12-2012

P2134.05 - Proposed first floor rear extension

Apprv with cons 11-01-2006

P0104.95 - Single storey rear extension

Apprv with cons 31-03-1995

### **CONSULTATIONS/REPRESENTATIONS**

Letters were sent to 9 neighbouring properties. No responses have been received.

### **RELEVANT POLICIES**

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### LDF

CP14 - Green Belt  
DC33 - Car Parking  
DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
SPD4 - Residential Extensions & Alterations SPD

### OTHER

LONDON PLAN - 7.16 - Green Belt  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.6 - Architecture  
NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

N/A

### **STAFF COMMENTS**

Environmental Health - No representations received.

### **GREEN BELT IMPLICATIONS**

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. Paragraph 89 of the National Planning Policy Framework states that the extension or alteration of a building may be acceptable in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

The original dwelling had a volume of approximately 331 cubic metres. Planning permission was granted in 1988 for the erection of a two storey side extension. Further planning consents were granted in 1995 for the rear conservatory, and also in 2005 planning permission was granted for a first floor rear extension. The existing dwelling has an overall volume of approximately 550 cubic metres which is an increase of approximately 66% to the original dwelling. The proposed extension would add an additional 13 cubic metres (approx.).

In this case, the proposed development would amount to a total increase of 563 cubic metres which is approximately 70% over and above the original dwelling, which is clearly in excess of what would normally be acceptable. Nonetheless, the written justification to the policy makes it clear that more substantial extensions may be appropriate subject to there being no harm to the Green Belt.

Given that the footprint of the existing conservatory will be increased by 1 metre in depth, which will increase the volume of the existing dwelling by approximately 4%. Therefore, staff conclude that the proposed replacement of the existing rear conservatory would not be excessive and the impact on the Green Belt would be negligible. Staff also recognise that this is a balanced decision and Members may feel that the proposed single storey rear extension in combination with previous additions to the property may result in unacceptable harm to the openness of the Green Belt.

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

Replacing the existing rear conservatory with the proposed single storey rear extension will

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increase the footprint of the existing rear extension by 1 metre in depth. However, in terms of its bulk, scale and massing, the 1m increase in depth is not considered excessive, and does not project beyond 4 metres of the rear building line in accordance with the Councils 'Residential Extensions and Alterations' SPD. In addition, the proposed pitched roof design, set 2.8 metres high to the eaves and 3.5 metres to the ridge also complies with the above Council guidance. The extension is also considered to reflect the design and character of the main house. Furthermore, the extension is not publicly visible and there would be no impact on the character of the surrounding area.

### **IMPACT ON AMENITY**

The surrounding neighbouring properties are sparsely set away from each other at a fair distance, and thereby the proposed rear extension is not considered to impact upon the amenity of the surrounding neighbouring properties.

### **HIGHWAY/PARKING**

Sufficient space would remain on-site for vehicle parking, in line with policy guidelines. It is considered that the proposal would not create any highway or parking issues.

### **KEY ISSUES/CONCLUSIONS**

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the proposal to replace the existing conservatory would result in a negligible increase to the existing house. It is considered that the proposal would not be harmful to the streetscene or the amenity of neighbouring properties. In light of the above, it is recommended that planning permission is granted.

### **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(s) 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.



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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 (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.

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**INFORMATIVES**

**1 Approval - No negotiation required**

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

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<b>APPLICATION NO:</b>	<b>P0708.13</b>	
<b>WARD :</b>	Hacton	<b>Date Received:</b> 13th June 2013 <b>Expiry Date:</b> 8th August 2013
<b>ADDRESS:</b>	69 Suttons Avenue Horchurch	
<b>PROPOSAL:</b>	Two storey side, single storey rear & front extensions (revised plans received 22/10/13)	
<b>DRAWING NO(S):</b>	1319/1 1319/2A (revised)	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called into Committee for decision by Councillor Nic Dodin on the grounds of consistency of similar built extensions to properties in the same road and adjoining roads in the area.

### **SITE DESCRIPTION**

Two-storey, hipped roof, semi-detached dwelling. An existing detached garage is accessed from Connaught Road and one off-street parking space is available to the front of the property. The land is fairly level. No trees will be affected by the proposed development.

### **DESCRIPTION OF PROPOSAL**

Two storey side, single storey rear and front extensions.

At the side of the property is proposed a two storey extension measuring 2.7m wide by 6.8m deep (to the rear wall of the house), which will be setback 1m from the main front wall of the property at first floor level. The extension will have a hipped roof 7.85m high to the same eaves height as existing.

In the front elevation the ground floor of the side extension will adjoin a 1.2m deep porch and a 3.8m high, sloping roof will be provided over both elements which will be hipped close to the side boundary.

At the rear is proposed a 4m deep extension to the entire width of the extended dwelling which will have a 3.2m high flat roof into which a roof lantern will be constructed.

### **RELEVANT HISTORY**

None.

### **CONSULTATIONS/REPRESENTATIONS**

No objections have been received.

### **RELEVANT POLICIES**

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Residential Extensions and Alterations Supplementary Planning Document.  
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan Document.

**MAYORAL CIL IMPLICATIONS**

Not CIL liable.

**STAFF COMMENTS**

The two storey side extension, as originally submitted, proposed the flank wall to be constructed directly on the border with the side public highway. This is contrary to Guidance which advises that the flank wall of side extensions to corner properties must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain the building line.

The Agent was requested to provide a full 1m separation but has declined to do so. Revised plans have however been received with the width of the extension reduced slightly and the high timber fence to the side reinstated.

The roof of the proposed single storey front extension has also been hipped to reduce bulk.

The proposal will now be assessed as revised.

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

Suttons Avenue is a fairly major road within the borough which carries considerable vehicular traffic through from Station Lane to Abbs Cross Lane.

Site inspection reveals that this side of Suttons Avenue is characterised by mainly semi-detached, two storey houses of broadly similar design, scale and massing. Houses on the opposite side of the road however differ in design and are interspersed by bungalows further to the west. On the opposite side of the road junction, No.67, is of similar design as the subject property and benefits from a flat roof single storey side extension with a separation gap of about 1m to the flank boundary. In all, this part of Suttons Avenue has a pleasant, generally open and spacious, residential ambience.

The proposed development is considered to relate acceptably to the subject dwelling and has been designed in sympathy with the character of the existing dwelling, with an appropriate roof design, materials and fenestration. As required by Guidance, the first floor of the side extension has been setback 1m from the front building line, with a lower roof line, to create a subservient impression.

It is noted however, that its attached neighbour, No.71, will not be able to construct a similar development due to the restrictions of its site and the pair, therefore, will appear unbalanced in the streetscene.

Although it is noted the proposed side extension will be forward of the front building line of properties in Connaught Road, contrary to Guidance, staff consider this will be acceptable in this instance due to the separation distance of around 33m.

As discussed earlier, the agent has been requested to provide a 1m separation from the boundary with the public highway, but following discussions with the applicant, has declined to do so. In support of this decision the applicant has provided the addresses of five properties in

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the borough that he considers have set a precedent for development constructed on the boundary with the public highway.

The history of the properties have been researched and the following has been found:

No.45 Suttons Avenue - P1832.03 - a resubmission of an earlier refusal which was considered to be acceptable as the two storey side extension would only project to the rear wall of the property. (Planning permission granted prior to current guidance).

No.149 Suttons Avenue - P1600.01 - Approved (prior to current guidance).

No.67 Park Drive, Upminster - P0610.11 - Refused, allowed on appeal.

No.103 Cranston Park Avenue, Upminster - P1484.12 - Refused, allowed on appeal.

No.126 Chelmsford Avenue, Collier Row - P0545.12 - Refused, allowed on appeal.

The properties in Upminster and Collier Row are considered to be too far removed from the subject dwelling to be taken into consideration as they do not form part of the immediate vicinity of the subject dwelling and in any event were allowed on appeal and the two in Suttons Avenue were granted planning permission prior to current guidance.

Revised plans now propose the side extension to be brought slightly off the side boundary to enable the reinstatement of the high boundary fence and also the roof of the proposed front extension has been hipped away to reduce bulk.

However, although to be welcomed, Staff consider these changes do not overcome previous concerns that the proposed development will unacceptably reduce the openness of this part of Suttons Avenue and particularly will result in an uncharacteristic and harmful sense of enclosure at the junction with Connaught Road.

In support of this view, further inspection of recent Council records for two storey side extensions which were refused planning permission has been carried out and it has been found that several appeal decisions this year have been dismissed and this Authority's decision has been upheld.

Firstly, No.72 Crowlands Avenue proposed only a single storey side extension which would have been built right on the boundary with Jutsums Avenue, reference P1475.12. The Inspector considered that it would appear as an intrusive and incongruous feature on a prominent corner plot, harmful to the street scene.

Secondly, No.26 Rosewood Avenue proposed a two storey side and first floor rear extension, reference P1024.12. It would have maintained a full 1m separation to the boundary with the public highway of St Andrews Avenue but the Inspector agreed with this Authority's view that the extension would have created a dominant and visually intrusive entrance point into Rosewood Avenue.

Thirdly, P0161.13 - 99 Billet Lane, set within the Langton's Conservation Area. A two storey side and single storey rear extension was proposed which maintained at least a 1m separation to the boundary. However, it was considered an unacceptably detrimental impact on the pattern of development in the area would occur, which would result in a failure to preserve and enhance the character and appearance of the conservation area. The Inspector supported this view and dismissed the appeal.

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Lastly, 35 Park Drive proposed a single storey side extension, reference P1876.07, which would have been built right on the boundary with the public highway. This was a resubmission of an earlier, refused proposal for a two storey side extension, reference P0269.07 which was refused planning permission. The single storey extension was the subject of an appeal and the Inspector agreed with this Authority and dismissed the appeal.

A subsequent resubmission, reference P1552.12, for a two storey and single storey side extension and single storey rear extension was submitted to this Authority and although it maintained a 1m separation from the public highway of Leasway, it was refused planning permission due to its position well forward of the front building line of properties in Leasway and also because it

would have appeared as an unacceptably dominant and intrusive feature within the streetscene, and would detract from the relatively open and spacious character of this particular road junction.

Although the Inspector did not agree with all the reasons as to why the proposal was unacceptable, he did agree that given the prominence of the site within the streetscene, the impact of the development would be unacceptably intrusive, causing significant harm to the character of the area.

It is considered, therefore, that the proposal now under consideration is unacceptable and no special circumstances exist to warrant an exception to Guidance in this instance.

### **IMPACT ON AMENITY**

The side extension would not be visible to the attached neighbour at No.71 and would therefore have no impact on the amenity of the occupiers of this property.

With regards the single storey rear extension, at a height of 3.2m it does slightly exceed Guidance of 3m, but is considered to be acceptable in this instance as this attached neighbour has already extended at the rear in a similar manner and will not be affected.

No other neighbouring properties will be affected by the proposed development.

### **HIGHWAY/PARKING**

No highway issues arise.

### **KEY ISSUES/CONCLUSIONS**

The proposal is considered to be contrary to the aims and objectives of the above Policies and Guidance. Refusal of planning permission is accordingly recommended .

However, it is accepted that this view may not be taken by Members and in the event of this recommendation being turned around to an approval of planning permission, it is recommended that standard conditions be attached to ensure the development is commenced within three years of the date of decision (SC4) and that the use of matching materials is employed (SC10).

### **RECOMMENDATION**

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

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**1. Reason for refusal - Streetscene**

The proposed development would, by reason of its position close to the boundary with the public highway, unacceptably reduce the openness of this part of Suttons Avenue and particularly will result in an uncharacteristic and harmful sense of enclosure at the junction with Connaught Road. The development is therefore considered to be harmful to the character and appearance of the surrounding area and is contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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<b>APPLICATION NO:</b>	<b>P0761.13</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 21st June 2013 <b>Expiry Date:</b> 16th August 2013
<b>ADDRESS:</b>	2 Link Way Hornchurch	
<b>PROPOSAL:</b>	Proposed first floor side extension	
<b>DRAWING NO(S):</b>	VGAS/691/B VGAS/691/5 VGAS/691/6 VGAS/691/7 VGAS/691/2A VGAS/691/3A VGAS/691/4A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

This application has been called into Committee for decision by Councillor John Mylod due to the special needs of the family with regard to a disabled son. Councillor Mylod is of the opinion that this is an acceptable scheme in it's present form.

### **SITE DESCRIPTION**

A semi-detached property located at the junction between Link Way and Glebe Way. The property has a hipped roof and is finished in light painted render. Inspection reveals that the dwelling benefits from a single storey side extension incorporating a pitched roof. At the front there is an inset porch and a hard standing to provide off street parking together with an small area of soft landscaping.

### **DESCRIPTION OF PROPOSAL**

The proposal is for a first floor side extension that will sit above the existing single storey side extension that extends three metres to the rear elevation.

The first floor side extension measures 9.60m in depth, 3.80m in width narrowing to 2.30m to the front elevation. The hipped roof ridge height measures 7.50m lowering to 6.80m towards the rear.

### **RELEVANT HISTORY**

L/HAV 1077/70 - Conservatory - Approved  
P1497.85 Living and bedroom extension - Approved  
P0427.87 - Kitchen/dining ground floor extension - Approved

### **CONSULTATIONS/REPRESENTATIONS**

Nine letters of consultation were sent to neighbouring properties with no representations received.

### **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document.  
DC33 & DC61 - LDF Core Strategy and Development Control Policies Development Plan

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Document.

London Plan - 7.4 - Local Character  
London Plan - 7.6 - Architecture

**MAYORAL CIL IMPLICATIONS**

N/A

**STAFF COMMENTS**

This proposed development is for the benefit of a disabled family member who has special needs. In this instance, although consideration has been afforded to the special circumstances of the family only limited weight can be afforded since such needs are by their very nature temporary and can change at any time.

The proposal is positioned above an existing single storey side extension, very close to the side boundary adjacent to the public highway. This is contrary to Guidance which advises that the flank wall of side extensions to corner properties must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to minimise the visual impact and maintain the open character of the street scene.

The applicants have submitted a supporting statement with photos of similar developments as examples. Although these are not visible from the subject site, investigations reveal that the developments to these properties were carried out pre-current policy guidance.

20 Link Way - No recent planning history found  
70 Link Way - No recent planning history found  
3 Glebe Way - No recent planning history found  
4 Glebe Way - P1082.02 Two storey side extension and single storey side and rear extensions  
Approved

Alternative proposals were suggested by staff involving the possibility of a first floor rear extension or a loft conversion, both suggestions have been declined.

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

The subject property is sited on a corner plot at the junction of Link Way and Glebe Way and as such occupies a particularly prominent position within the streetscene. The land level slopes slightly upwards from east to west along Glebe Way to the north side of the property.

The property has previously been extended to the side with a single storey hipped roof development that matches well with the original dwelling.

Inspection reveals there to be a pleasant open aspect within the streetscene especially to the rear of the properties in Link Way and when viewed from the east and west in Glebe Way. In Staff view the proposed development would unacceptably reduce the pleasant openness of the area that currently exists on this junction and appear obtrusive and overbearing.

The Residential Extensions & Alterations SPD, paragraph 6.12 states that the flank wall of side extensions must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain uniformity. In this respect, the proposal fails to comply with adopted guidelines.



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The proposed development will sit above the existing single storey side development that extends approximately 3m to the rear elevation and in doing so creates significant additional bulk. The proposal has not been set away from the flank boundary by the required one metre and this additional bulk will result in a greater impact to that which already exists within the streetscene and garden environment. The development will also be positioned forward of the building line of the properties that lie north west in Glebe Way.

It is acknowledged that a new low wall is proposed along the flank boundary to join the existing front pillars and existing high brick wall to the rear, thus creating a visual break in the development when viewed along Glebe Way. On the other hand, the property is located in a highly visible position on the corner of a junction of Glebe Way and the existing single storey extension already appears as a prominent feature within the streetscene. Staff consider the incorporation of this detail is not sufficient to reduce the visual harm caused by this additional development.

Although examples of two storey side developments have been submitted, most appear to have been constructed pre-current policy and were not visible from the subject site. They have little impact therefore on the character and appearance of the area immediately surrounding the subject dwelling.

The proposed development due to scale and bulk would appear obtrusive, overbearing and intrusive to the appearance of the streetscene. The proposal would close the pleasant openness that exists within the streetscene and would be detrimental and harmful to the surrounding streetscene.

The proposal is therefore considered to exacerbate the existing harmful impact within the streetscene and rear garden environment to an unacceptable level.

This recommendation is based on failure to comply with a 1m separation from the boundary with the public highway and a level of judgement of the unacceptable appearance within the streetscene. The building line has already been compromised and as such is not considered to hold enough weight to be included.

In support of this view, further inspection of recent Council records for two storey side extensions which were refused planning permission has been carried out and it has been found that several appeal decisions this year have been dismissed and this Authority's decision has been upheld.

Firstly, No.72 Crowlands Avenue proposed only a single storey side extension which would have been built right on the boundary with Jutsums Avenue, reference P1475.12. The Inspector considered that it would appear as an intrusive and incongruous feature on a prominent corner plot, harmful to the street scene.

Secondly, No.26 Rosewood Avenue proposed a two storey side and first floor rear extension, reference P1024.12. It would have maintained a full 1m separation to the boundary with the public highway of St Andrews Avenue but the Inspector agreed with this Authority's view that the extension would have created a dominant and visually intrusive entrance point into Rosewood Avenue.

Thirdly, P0161.13 - 99 Billet Lane, set within the Langton's Conservation Area. A two storey side and single storey rear extension was proposed which maintained at least a 1m separation to the boundary. However, it was considered an unacceptably detrimental impact on the pattern of development in the area would occur, which would result in a failure to preserve and enhance

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the character and appearance of the conservation area. The Inspector supported this view and dismissed the appeal.

Lastly, 35 Park Drive proposed a single storey side extension, reference P1876.07, which would have been built right on the boundary with the public highway. This was a resubmission of an earlier, refused proposal for a two storey side extension, reference P0269.07 which was refused planning permission. The single storey extension was the subject of an appeal and the Inspector agreed with this Authority and dismissed the appeal. A subsequent resubmission, reference P1552.12, for a two storey and single storey side extension and single storey rear extension was submitted to this Authority and although it maintained a 1m separation from the public highway of Leasway, it was refused planning permission due to its position well forward of the front building line of properties in Leasway and also because it would have appeared as an unacceptably dominant and intrusive feature within the streetscene, and would detract from the relatively open and spacious character of this particular road junction.

Although the Inspector did not agree with all the reasons as to why the proposal was unacceptable, he did agree that given the prominence of the site within the streetscene, the impact of the development would be unacceptably intrusive, causing significant harm to the character of the area.

It is considered, therefore, that the proposal now under consideration is unacceptable and no special circumstances exist to warrant an exception to Guidance in this instance.

#### **IMPACT ON AMENITY**

The attached neighbouring property to the south is unlikely to be affected by the proposal as the development will be sited on the opposite side to the north of the property.

With regard to the surrounding neighbouring properties in Glebe Way, it is considered that the proposal will cause no greater impact to that which already exists.

#### **HIGHWAY/PARKING**

There is sufficient parking to the front of the property and no highway issues are raised.

#### **KEY ISSUES/CONCLUSIONS**

The proposal is not considered to be in accordance with the above-mentioned policies and guidance and refusal is recommended.

However, it is accepted that in coming to this view it is recognised that an element of judgement is involved and that different weight may be apportioned to the harm arising from the scheme. This being the case and in the event that Members are minded to grant planning permission for the development it is recommended that standard conditions be imposed to ensure the development is commenced within three years of the date of decision (SC4) and that the use of matching materials is employed (SC10).

#### **RECOMMENDATION**

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

**REGULATORY SERVICES COMMITTEE**

**14th November 2013**

**1. Reason for refusal - Streetscene**

The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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**1 Refusal - No negotiation**

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

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

14 November 2013

**Subject Heading:**

**P0819.13 – 2-6 Fitzilian Avenue,  
Romford**

**Demolish existing garage buildings  
and erect 8 apartments (3 storey) and 1  
no. 3 storey detached house.**

**(Application received 11<sup>th</sup> 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<br>and villages | [X] |
| Value and enhance the life of our residents  | [X] |
| Delivering high customer satisfaction and a stable council tax                     | [ ] |

## SUMMARY

This planning application relates to the demolition of existing garage workshop buildings and the construction of a 3 storey building for the purpose of 8 no. flats and 1 no. detached house.

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

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

## RECOMMENDATIONS

That the 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 488m<sup>2</sup> (698m<sup>2</sup> minus existing floor area of 210m<sup>2</sup>) and amounts to £9760.

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 £54,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

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

Reason:

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

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

Reason:

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

3) Parking standards: Before the development hereby permitted is first occupied, provision shall be made for 10 no. off-street car parking spaces, 1 for each of the flats and 2 for the detached house 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) 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

5) 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 (as amended or otherwise replaced) 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.

6) 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.

7) 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.

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 '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



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 LDF Development Control Policies Development Plan Document Policy DC61

10) 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.

11) Noise Insulation: The flats shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason:

To prevent noise nuisance to adjoining properties,

12) 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.

13) Wheel Washing: Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided within the application 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 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.

14) Ground 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;

(1) 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.

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

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

Reason:

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

(3) 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) 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.

16) Alterations to Highway: The proposed alterations to the Public Highway shall be submitted in detail for approval and the submitted details approved 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.

17) 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 to the detached dwelling 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.

## **INFORMATIVES**

1. Following a change in government legislation a fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### 3. Planning Obligations

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

- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991, the Road Traffic Regulations Act 1984 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.
6. 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.
7. 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 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).

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is located on the corner of Fitzilian Avenue and Athelstan Road. The site is currently used as a garage and consists of several buildings.

- 1.2 The application site comprises 0.1ha with the plot itself measuring (at its maximum) 35.4m wide by 40.4m deep. The site is relatively level with the exception of a drop down on Fitzilian Avenue from west to east.
- 1.3 The site is situated within a mixed use commercial and residential area with the majority of adjacent commercial units comprising ground floor shop units with residential units above.

## **2. Description of Proposal**

- 2.1 This planning application relates to the demolition of the existing garage buildings and construction of 8 apartments (3-storey) and 1 no. 3 storey detached house.
- 2.2 The proposal would comprise 1 no. one bedroom flat, 7 no. two bedroom flats and 1 no. three bedroom house. Access into the development would be taken from Athelstan Road. The development would provide parking on a hardstanding to the front of the development along Athelstan Road and to the rear at a rate of 1 space per flat and two spaces for the house.
- 2.3 Cycle and refuse storage will be provided to the rear of the property.

## **3. Relevant History**

- 3.1 P1117.97 - Demolition of property - Approved with Conditions
- 3.2 P1185.07 - Proposed construction of three two bed flats - Refused and Dismissed on Appeal

## **4. Consultations/Representations**

- 4.1 Neighbouring notifications were sent to 19 neighbouring properties and 5 letters of objection were received raising the following concerns
- Not enough parking for the proposed development
  - Buildings are too high
  - Loss of business use will have a negative impact on employment
  - Deterioration of the Minor Local Centre due to the loss of business
  - Overdevelopment of the site
  - Garden space provided is out of keeping with rest of area
  - Forward projection along Athelstan Road will have an impact
  - Buildings not in keeping with existing streetscene and surrounding area
  - Development does not allow for people with special needs
  - Loss of light
- 4.2 Environmental Health has requested conditions for contamination, noise insulation and restricted construction and delivery hours.

- 4.3 The Borough Crime Prevention Design Advisor raises no objection to the proposal and requests a Secure by Design condition.
- 4.4 The Highway Authority has no objection to the proposals; however, will require any redundant vehicular crossover from the garage use to be returned to footway.
- 4.5 Streetcare has commented that the bin shed should have internal dimensions of 2780x1470mm to be able to accommodate 1100 litre and one 360 litre bins for refuse and another 360 litre bin for recycling, with adequate clearance for ease of collection and disabled access. It also needs to be 30 metres or less from the Athelstan Road entrance as the access road is too narrow for a refuse truck.

## **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff Comments**

- 6.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 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. The Council will generally require the redevelopment for housing of commercial sites which become available for development.

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 61m<sup>2</sup> for a 2-bed 3-person flat, 50m<sup>2</sup> for a 1-bed 2-person flat and 74m<sup>2</sup> for a 3-bed 4-person house. The proposed flats and detached house are in line with these minimum guidelines 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 existing garage buildings to residential use. The applicant has indicated that the commercial garage would not cease operation but would rather relocate to a different premise. 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 Limited amenity space is provided to the rear of the development in the form of a communal garden. The ground floor flats would also have amenity space to the front and patio areas to the rear of the buildings. Balconies are provided to the rear of the building for the 1<sup>st</sup> floor and 2<sup>nd</sup> floor unit. Staff do not consider the amenity space to be unacceptable given the site constraints.

6.3.3 The residential density range for this site is 50 - 80 units per hectare and 200-250 rooms per hectare (PTAL 3-4). The proposal would result in a density of approximately 90 units per hectare and 180 rooms per hectare. Although the units per hectare is in excess of the recommended range consideration should be given to the site constraints and the proposal being for flatted development.



6.3.4 In terms of site layout, the proposed development has a similar footprint than the existing commercial structures on the site. Development would mostly be situated close to the building lines of Fitzilian and Athelstan Road with a relatively spacious area left to the rear of the proposed buildings. Staff therefore consider the development to be acceptable in term of layout and would not be an overdevelopment of the site.

#### 6.4 Design and Visual Impact

6.4.1 The proposal consist of two 3 – storey buildings. The bigger of the buildings would consist of 8 flats and forms a continuation of the existing 3-storey building on Fitzilian Avenue and wraps around the corner of Fitzilian Avenue and Athelstan Road to form a continuous design element. The design of the main building aims to match the fenestration of the existing 3 storey structure on Fitzilian Avenue in order to minimise the potential impact on the streetscene from a visual point of view. The 3 –storey design is broken up on the return elevation fronting Athelstan Road by vertical glass panels which serve the main staircase to the flats at first and second floors. The proposal follows the existing building lines along Fitzilian Avenue, with the return elevation slightly set forward of the building line along Athelstan Road. Staff do not consider the forward projection unacceptable given that the building would still be well set back from Athelstan Road and the slight forward projection.

6.4.2 Staff consider the potential impact on Fitzilian Avenue to be acceptable as the design principle mostly mirrors that of the existing 3-storey building along this road. The deviation from the design at ground floor is considered acceptable and not considered harmful when viewed from Fitzilian Avenue.

6.4.3 The main return elevation along Athelstan Road is also considered acceptable as it is similar in height to the residential properties along this road. Although the proposed development would have more of a visual presence on this corner location compared to the existing single storey development on the site, Staff do not consider it to result in an unacceptable impact given the similar building along Fitzilian Avenue as well as another flatted development across the road from Fitzilian Avenue.

6.4.4 A smaller 3-storey detached residential building is proposed to the side of 52 Athelstan Road. This structure would have similar design characteristics to the main flatted development and would be separated from the main development by a 5m wide access road. Staff consider this detached dwelling to be acceptable within the streetscene as it will be seen in relation to the main building proposed and given the similar design characteristics. The detached building would also be lower than that of the flatted development and the semi-detached house at 52 Athelstan Road.

6.4.5 In conclusion Staff do not consider the proposal to be out of keeping in this location and the surrounding area and will in fact be a visual improvement to the existing garage buildings and workshops on site.

## 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 Staff do not consider the proposed development to have an unacceptable impact on neighbouring amenity. Windows and a balcony to the rear elevation of the proposed building along Fitzilian Avenue would overlook commercial premises and a residential garage site to the east and southeast. The only potential impact would be to No. 52 Athelstan Road which is situated to the south of this building. Any potential impact to this dwellings rear garden is considered acceptable as there is a back to side separation distance of approximately 28m. It should also be noted that most of the views would be blocked by the return elevation along Athelstan Road.
- 6.5.3 Views from the rear elevation of the return elevation along Athelstan Road is also considered acceptable as it would overlook ground floor buildings to the rear of commercial premises situated to the east and a garage court to the southeast. The closest residential premises to the east are flats with a back to back distance of approximately 29m. The balconies have been designed in such a way that any views to the south would be blocked by a rear projection of the proposed 3-storey building along Athelstan Road.
- 6.5.4 Any overlooking as a result of the detached dwelling would be similar to that of the return elevation mentioned previously and is considered acceptable.
- 6.5.5 In term of outlook and loss of light, Staff do not consider the proposal to have an unacceptable impact as it would not project forward of the front building line or beyond the rear building line of the adjacent building along Fitzilian Avenue. Any impact on No. 52 Athelstan Road is also considered acceptable as the rear projection would only measure 2.4m beyond this neighbour's rear building line with a separation distance of 2m between the rear projection and this neighbouring dwelling. The favourable orientation of this residential property to the south of the development is further mitigating circumstances to any potential impact on loss of light.

## 7. Highways / Parking Issues

- 7.1 Car parking is proposed across the development at a rate of 1 space per unit for the flats and two spaces for the detached dwelling. The site is located within PTAL Zone 3-4, where 1.5-1 parking spaces are anticipated per unit for flats and 2-1.5 spaces per dwelling. The proposal therefore complies with policy guidance and is considered acceptable.
- 7.2 The proposal includes cycle storage provision. A condition will be attached in the event of an approval to provide details of the cycle storage.

## **8. The Mayor's Community Infrastructure Levy**

- 8.1 The proposed residential development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and the applicable fee is based on an internal gross floor area of 488m<sup>2</sup> (698m<sup>2</sup> minus existing floor area of 210m<sup>2</sup>) and amounts to £9760.

## **9. Planning Obligations**

- 9.1 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 £54,000.

## **10. Other Issues**

- 10.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.
- 10.2 A refuse area has been provided to the rear of the property. Streetcare has commented that the bin shed should have internal dimensions of 2780x1470mm to be able to accommodate 1100l and one 360l bins for refuse and another 360l bin for recycling, with adequate clearance for ease of collection and disabled access. It also needs to be 30m or less from the Athelstan Road entrance as the access road is too narrow for a refuse truck. A condition will be imposed to provide detail of the refuse and recycling arrangements.

## **11. Conclusion**

- 11.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. Parking and amenity provision are considered acceptable. It is recommended that planning permission be granted, subject to the completion of the relevant legal agreement.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement

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

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

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None

**BACKGROUND PAPERS**

Application forms and plans received on 11<sup>th</sup> July 2013.

# REPORT

## REGULATORY SERVICES COMMITTEE

14 November 2013

<b>Subject Heading:</b>	<p><b>P0988.13 – 3 Mountbatten House, Elvet Avenue</b></p> <p>Reconfiguration and refurbishment and creation of a new office, change of use from C3 to B1 (Application received 7<sup>th</sup> August 2013)</p>
<b>Report Author and contact details:</b>	<p><b>Helen Oakerbee (Planning Manager, Regulatory Services) 01708 432800</b></p>
<b>Policy context:</b>	<p><b>Local Development Framework, London Plan National Planning Policy</b></p>
<b>Financial summary:</b>	<p><b>None</b></p>

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

Clean, safe and green borough	[x]
Excellence in education and learning	[ ]
Opportunities for all through economic, social and cultural activity	[ ]
Value and enhancing the lives of our residents	[x]
High customer satisfaction and a stable council tax	[ ]

**SUMMARY**

The application is sought for full planning permission for reconfiguration and refurbishment and creation of a new office change of use from C3 to B1. Each application has been considered on its own merits. This application is considered to be acceptable in all material respects and, it is recommended that planning permission is granted subject to conditions.

The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

## 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. Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans as detailed on page one of the decision notice.

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

### 3. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:00 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.

### 4. Restriction of use

The occupation of the B1(a) use hereby permitted shall be carried on only by Delta TMO, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

5. Cease of permitted use

When the land ceases to be occupied by those named in condition 4 above the use hereby permitted shall cease and all structures, materials and equipment brought on to or erected on the site, or works authorised by the permission and undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason:-

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

**INFORMATIVES**

1. 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.



**1. Site Description**

- 1.1 The application site is No.3 Mountbatten House, which is a ground floor 2 bedroom flat to the north-west corner of the Mountbatten House block which is located directly east of Elvet Avenue.
- 1.2 The block is amongst a residential estate currently occupied by a cluster of Other residential blocks, most notably to the east of Mountbatten House is Dreywood Court which was recently built (formerly Snowdon Court)
- 1.3 The immediate surrounding area is council owned land, it is not within a designated conservation area nor is the property listed.

## **2. Description of Proposal**

- 2.1 The application seeks a change of use of the said property above, from the present residential unit 'Use Class C3' to office accommodation 'Use Class B1'
- 2.2 Since 2006, DELTA TMO has operated from a portacabin on the DELTA estate. The portacabin has since been removed from the site. They require a permanent unit to run their day to day business in managing the residential estate.
- 2.3 Other alterations include externally adapting the existing east elevation balcony serving the living room to be a Disability Discrimination Act (DDA) compliant entrance ramp with balcony hand railing to be renewed to become the entrance of the office.
- 2.4 Internal layout would be altered by converting the existing 2 bedrooms into 2 offices, changing the living room into the main reception, converting the bathroom into a shower room whilst the kitchen would remain as it is.
- 2.5 The Durham and Elvet Avenue Tenant Management Organisation (DELTA TMO) was formed in 2006 after residents voted for a tenant management group. It was formed primarily to help improve the lives of residents by offering services like day to day repairs and maintenance on behalf of the London Borough of Havering, which is why they are better located on site. DELTA TMO state they are committed to working for the people of Elvet and Durham Avenues in order to provide excellent services and improve the quality of life for the residents through tenant management and community empowerment.
- 2.6 DELTA used to operate from a porta cabin on site nearby on Elvet Avenue, which provides only limited and cramped office accommodation and does not have any meeting room facilities. The porta cabin has since been removed from the site. The flat would be used as office accommodation for the local tenant management organisation, DELTA, which would be beneficial to the residents of the surrounding residential estate including Mountbatten House.

## **3. Relevant History**

- 3.1 No particular relevant planning history on this unit.

## **4. Consultations/Representations**

- 4.1 249 neighbouring occupiers within Mountbatten House and other nearby residential blocks (including the new Dreywood Court) were notified of the proposal by individual letter.
- 4.2 2 objections from Flat 1 and Flat 11 Mountbatten House, in regards to;
- Lack of Car parking spaces
  - Should be kept as residential accommodation
  - Raising potential security issues from the proposed development



The above points are addressed elsewhere in this report below.

- The proposal would be a waste of money

The above point is considered to not be material to determining this particular planning application.

- 4.3 Site notice displayed and press notice published to advertise a departure from the Local Plan on 27 September 2013, consultation expiry 17 October 2013..

## **5. Relevant Policies**

- 5.1 Policies CP17 (Design), DC1 (Loss of Housing), and DC61(Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document. In addition, Policy 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 The issues arising from this application are the principle of change of use, the impact on the streetscene, the impact on amenity and parking and highways considerations.

## **7. Principle of Development**

- 7.1 Policy DC1 of the LDF Core Strategy and Development Control Policies DPD states that planning permission resulting in the net loss of existing housing will only be granted in exceptional circumstances where it involves the provision of essential community facilities, for example health or education, which are necessary to meet the specific needs of the community; or the proposal is necessary to deliver mixed and balanced communities.
- 7.2 At the heart of the NPPF is a presumption in favour of sustainable development. The presumption is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.
- 7.3 The proposal is to change the application site from C3 to B1 use. In this instance, the principle of the change of use is contrary to Policy DC1, although it is deemed to be acceptable as there are exceptional circumstances in this case which warrant a departure from policy.
- 7.4 It is considered there is an exceptional circumstance in this case as it is considered that the presence of the tenant management organisation on site is important and assists with improving living conditions for residents on the site. Use of a residential unit on the estate as an office would therefore represent special circumstances to depart from planning policy. It is important that any permission be personal so that the unit can return to residential should circumstances change in the future.

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

- 8.1 The application site measures at 66.7 square metres floor area and this would not be altered.
- 8.2 Council policy DC61 and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.
- 8.3 The existing ramp measures 600mm depth, 3000mm width and 1300mm in height to the eastern elevation of the application, this would be changed to a ramp which measures at 1900mm depth, 3700mm width and 1300mm (maximum) height above the ground level.
- 8.4 The ramp would be constructed in materials of glazing and metal to exactly match those of the existing balconies on the block.
- 8.5 The other external change would be to alter the existing east elevation glazed door opening to be wider for a 1000mm wide opening to be DDA compliant, the materials would be in matching materials to the existing doors and windows.
- 8.3 It is considered that the external alterations to similarly match the style of the existing property appearance is of such that it would not detract from the character of the local area and would therefore be acceptable in this instance. It is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and advice contained within the NPPF.

## **9. Impact on amenity**

- 9.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties. It is considered that the change of use would not result in a significant loss of amenity to neighbouring occupiers, given the use of the premises as an office for two employees. When reviewing the merits of this application, consideration was given to the fact that the flat would be used as office accommodation for the local tenant management organisation, DELTA, which would be beneficial to the residents of the residential estate.
- 9.2 Opening hours for the office will be 9.00 to 17.00 hours Monday to Friday and not at all during the weekends and bank holidays. It is considered that the opening hours should not result in a significant loss of amenity to neighbouring occupiers given that the ground floor of the building would be used as an office.
- 9.3 The minor external changes as detailed above would not be within closer distance to the adjoining neighbours nearest window to the southern side. The proposed new ramp and fenestration changes are considered not materially harmful to the adjoining neighbours.

- 9.4 The permission would contain a specific personal condition for the use hereby permitted shall be B1(a) use for DELTA TMO only and shall be used for no other purpose(s) whatsoever including any other use in Class B1 of the Order to ensure that no other use or other operations other than DELTA are allowed to use it in the future.

## **10. Highway/parking issues**

- 10.1 The proposal would be convert a 2 bedroom flat to an office of the same size with two employees. Although the number of visitors may be more than a residential property, it is considered that the nature of visits to the office would be for the residents that live on site and therefore they would not require necessarily a vehicle to visit the offices. There would be some meeting space for external visitors, but considering the nature of a small 2 office room unit, it is considered that the volume of visitors would not be materially more than from the previous operation from the portacabin.
- 10.2 With the above in mind, it is considered that the proposal would not create any highway or parking issues. There are parking bays in close proximity to the site in Durham Avenue and Elvet Avenue.

## **11. Mayoral CIL implications**

- 11.1 The change of use of the existing floor space is exempt from CIL payments as there would not be any additional enclosed floor space. As such the CIL liability would be zero.

## **12. Conclusion**

- 12.1 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. The proposed change of use is considered to be acceptable in principle, as there are exceptional circumstances in this case. Staff are of the view that the proposal would not adversely affect the streetscene or residential amenity. It is considered that the proposal would not create any highway or parking issues. It is recommended that planning permission is granted, subject to conditions.

## IMPLICATIONS AND RISKS

**Financial implications and risks:**

None directly arising from this application.

**Legal implications and risks:**

The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The proposal includes adaption of the front balcony to create a new DDA compliant ramped entrance.

## BACKGROUND PAPERS

The plan, application form and supporting documents were received on 7<sup>th</sup> August 2013.

# REGULATORY SERVICES COMMITTEE

14 November 2013

# REPORT

**Subject Heading:**

P0074.13 – Land adjacent to 20 and 25  
Surridge Close and rear of 55-57  
Parsonage Road, Rainham – Erection of 6  
dwellings (1 detached, a pair of semi-  
detached properties and a terrace of  
three), extension of the access road and  
ancillary car and cycle parking (received  
22 January 2011; revised plans received  
28<sup>th</sup> February and 31<sup>st</sup> May 2013)

**Report Author and contact details:**

Helen Oakerbee  
Planning Control Manager (Applications)  
[helen.oakerbee@havering.gov.uk](mailto: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 erection of 6 houses with an extension to the existing access road with ancillary car and cycle parking. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the 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 680m<sup>2</sup> which equates to a Mayoral CIL payment of £13,600 (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 £36,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the 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 Planning Act 1990 (as amended).

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) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61 and DC68.

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

4. Refuse/Recycling Storage: 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. 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, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

**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.

6. Sound Insulation: 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. Screen Fencing: 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 at the boundaries of the new properties with the existing properties 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 in accordance with Policy DC61.

8. External Lighting: 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. Construction Hours: No construction works or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

10. Soft and Hard Landscaping: Prior to the commencement of the development, a soft and hard landscaping scheme, shall be submitted to the Local Planning Authority which accords with the general landscaping scheme as shown on the site plan P1106/03 Revision E. Once approved in writing the scheme shall be implemented in accordance with the approved details. 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 others of a 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. 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 (having previously submitted 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):



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

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

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

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

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

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

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

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

13. 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 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.

14. Construction Methodology Statement: 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.

17. No additional flank windows: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the 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.

18. 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 to House 1 and House 6 as shown on approved plan reference 12.472.1 Rev B under Classes A, B, C, D, E, F, G or H 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.

19. Access road materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the construction of the proposed access road 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.

20. 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.

21. Obscure/fixed glazing: The proposed windows at first floor in the flank elevations shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut 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.

22. Ground levels: Prior to commencement the developer shall submit details of proposed ground levels and finished floor levels to the Local Planning Authority; once approved in writing, the details shall be implemented as part of the approved scheme.

Reason: In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

## INFORMATIVES

### 1. **Community Safety - Informative:**

In aiming to satisfy Condition 13, 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. **Highway Informatives:**

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

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

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

### 3. **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 NPPF 2012.

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

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

## 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 680m<sup>2</sup> which equates to a Mayoral CIL payment of £13,600 (subject to indexation). This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here is based on a gross internal floor area at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued on discharge of the last pre-commencement condition should planning permission be granted.

### REPORT DETAIL

## 1. Site Description

- 1.1 The application site comprises the end of rear gardens to 16 Glebe Road and 55 and 57 Parsonage Road and an area of land at the end of Surridge Close. There are a number of garden structures and trees/hedging within the application site boundaries. The site is "L-shaped" wrapping around the Mayfield Grove development and extends to a maximum depth of 73m and a maximum width of 67m. Ground levels are relatively level within the application site although there is a slight rise towards the properties in Mayfield Grove. The application site has an area of approximately 0.25 hectares.
- 1.2 The application site abuts the cul-de-sac end of Surridge Close although there is no existing vehicular access onto this road.
- 1.3 The surrounding area is residential in character with mainly two-storey detached and semi-detached properties including the recently completed development at Mayfield Grove. Nonetheless to the north-west of the application site is a large open area in the Metropolitan Green Belt.

## 2. Description of Proposal

- 2.1 The proposal follows the refusal of two, two-house schemes at the rear of No. 16 Glebe Road and is for the erection of 6, 2-storey houses (on an enlarged site area) with a new driveway forming an extension to the existing cul-de-sac of Surridge Close.
- 2.2 The site would be laid out with 1 house (House 1) to the rear of 16 Glebe Road, adjacent to 20 Surridge Close and the pair of semi-detached houses (Houses 2 and 3) being located adjacent to No.25 Surridge Close. The proposed new driveway would be located between these buildings and turn northwards such that the proposed terrace of three houses (Houses 4, 5 and 6) would be located on the eastern side of the extended driveway adjacent to (and north of) No. 5 Mayfield Grove.

- 2.3 House 1 would be located between 5m and 11m back from the proposed rear edge of the new driveway access. It would be located 1.65m from the shared boundary with No.20 Surridge Close and 6m from the shared boundary with No.s 2 and 3 Mayfield Grove. It would be 7.35m wide, 9.5m deep with a pitched roof with a ridge height of 7.65m above ground level. The proposed garden size is 244 sq.m.
- 2.4 Houses 2 and 3 would be located 6m back from the proposed rear edge of the new driveway access. They would be located 1.5m from the boundary with the garage access adjoining No.25 Surridge Close and 4.7m from this property's side elevation. They would each be 5.6m wide, 11.55m deep/9.65m deep (ground/first) with a pitched roof with a ridge height of 7.8m above ground level. Garden sizes are 116 and 101 sq.m respectively.
- 2.5 The terrace of Houses 3, 4 and 5 would be located a minimum of 5.2m back from the proposed rear edge of the turning head to the extended driveway access. It would be located 3.3m from the shared boundary with No.5 Mayfield Grove and approximately 3m from the shared boundary with No.59 Parsonage Road. Each terraced house would be 5.5m wide and 11.2m deep with a pitched roof with a ridge height of 7.6m above ground level. Garden sizes would be 167 sq.m, 132 sq.m and 149 sq.m respectively.
- 2.6 While there would be a variety of houses there would be a common material palette of brick and tile with gables.
- 2.7 The houses would be provided with two parking spaces each.
- 2.8 The driveway access would extend from the end of the Cul-de-sac to Surridge Close and turn north to provide a turning head in front of the proposed terraced properties. It would be 5.4m wide.
- 2.9 An Archaeological Assessment and a Contaminated Land report have been submitted with the application, together with details of a pre-application consultation undertaken by the application.

### 3. **History**

- 3.1 P0764.11 – Erect 2 x 2-storey houses with extending the access road to provide on-site parking – refused 18/7/11; subsequent appeal dismissed 24/5/12.
- 3.2 P0856.12 Erect 2 x two-storey houses with extending the access road to provide on-site parking - refused 11/9/12.

The reasons for refusal of the P0856.12 scheme were:

“1. The proposed development would, due to its height, depth and siting in close proximity to the shared boundary with No.s 2 and 3 Mayfield Close, result in the proposal being a cramped, visually intrusive and overly dominant form of development causing loss of outlook and a strong sense of enclosure adversely impacting on residential amenity, contrary to Policies DC3 and DC61 of the Local Development Framework Core Strategy and Development Control

Policies Development Plan Document and the Supplementary Planning Document on Residential Design.

2. The proposal would not make a contribution towards infrastructure costs and would therefore be contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies and the draft Supplementary Planning Document on Planning Obligations.”

#### 4. Consultation/Representations

4.1 55 neighbouring occupiers were notified of the proposal. There were 41 replies objecting to the proposal on the following grounds:

- Surridge Close will become a through road resulting in danger to children playing in/by the road and loss of security
- loss of trees/birds on the green at the end of Surridge Close
- construction traffic and filth, disruption and destruction during construction is unacceptable
- unacceptable increase in traffic and fumes along the Close
- overlooking/loss of privacy and intrusion; obscure glass will not stop this if windows can be opened
- unacceptable increase in noise, air and light pollution
- overdevelopment
- the property to be built on land to the rear of 2 and 3 Mayfield Grove would be too close and proposed intervening landscaping will result in loss of light
- Any loss of light will exacerbate an existing occupier's Seasonal Affective Disorder (SAD) affecting health and wellbeing
- The Planning Inspectorate has already decided that a two-house development in the rear garden of No. 16 Glebe Road would have an unacceptable impact on residential amenity and the proposed single, but larger property, would have the same unacceptable impact
- on-street parking spaces would be reduced for existing occupiers of Surridge Close resulting in more parking problems than there are already
- car vehicle lights will shine on neighbouring rear fences
- the proposal will increase security concerns where rear gardens would then be backing onto a roadway
- the green area at the end of Surridge Close should not be allowed to be lost to this development
- it would result in overdevelopment
- the gardens would not be usable
- back gardens should not be used for development – this was outlawed 25+ years ago and a dangerous precedent would be set
- overly bulky houses are proposed which are out of character
- the proposal will have an adverse impact on Mayfield Grove and farm Road
- Rainham does not have the infrastructure to cope with more houses
- there are often houses for sale in the area which indicates that no new houses are needed
- loss of residential amenity generally
- the average is for 3 cars per household such that there will be insufficient parking provided

- loss of possible bat habitat in the orchard
- Surridge Close is unique and deserves protection
- loss of sunlight and view
- emergency and servicing vehicles will not be able to access the new houses

4.2 The Metropolitan Police Crime Prevention Design Advisor has written to advise that the scheme does show crime prevention measures. He requests the addition of a condition and informative regarding Secured by Design and ones for boundary treatments, external lighting and details of cycle storage if permission is granted.

4.4 The Fire Brigade (LFEDA) indicate that the hammer head part of the entrance road appears large enough for Pumping Applicant to turn around, provided the area is kept clear of parked cars. Access arrangements must meet B5 of ADB Volume 1; this is a Building Regulations document and a separate Building Regulations application would be needed.

## **Background**

An application to register the site subject to this planning application has been made under Section 15 of the Commons Act 2006 to register the site as a Town or Village Green and this application which is entirely separate from the planning process has been submitted to the Council. At the time of drafting this report a decision has been sent out and will be reported to Members at the Committee meeting.

## **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, CP2, CP17, DC2, DC3, DC33, DC34, DC35, DC36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD. The SPD on Residential Extensions and Alterations (as relevant), SPD on Residential Design, SPD on Sustainable Design and Construction and SPD on Planning Obligations. London Plan Policies 2.15, 3.3, 3.5, 3.8, 3.9, 4.2, 4.7, 6.9, 6.13, 7.3, 7.4 and 7.6, as well as the National Planning Policy Framework (NPPF) are applicable.

### *5.2 Principle of development*

5.2.1 The site lies in the existing urban area. This scheme would mainly be provided on the end part of the rear gardens to No.16 Glebe Road and 55 and 57 Parsonage Road. The National Planning Policy Framework (NPPF) does not preclude such development, as material circumstances will be relevant. In this case the land has a frontage onto the public highway at Surridge Close and it is considered that the proposal would not therefore result in tandem development or of "back-land" development as such.

5.2.2 Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that "...outside town centres and the Green Belt, prioritising all non-



designated land for housing". The application site is on land which is not designated land in the LDF, such that its use for housing would be acceptable.

5.2.3 The NPPF indicates that sustainable development should normally be granted planning permission and the site would be in a sustainable location. The details of the scheme will be important in deciding whether the proposed development is acceptable.

### 5.3 *Density/Site Layout*

5.3.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.25 Hectares and the proposal is for 6 houses. The proposed density is therefore 24 units per hectare which falls below the guidance range. However, the provision of the access road in the middle of the development reduces the area available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout. The main consideration is whether the scheme is of a high standard of design and layout in accordance with Policies DC2 and DC61.

5.3.2 The London Plan indicates at Policy 3.5 (and Table 3.3) that for 4-bed houses for 6 people should be a minimum of 107 sq.m (gross internal area: gia) and 2-bed houses for 4 people should be a minimum of 83 sq.m and 3 bed houses for 5 people should be a minimum of 96 sq.m. House 1 is a 4 bed house for 6 people with a Gross Internal Area (GIA) of 123 sq.m; the semi-detached houses (Houses 2 and 3) are both 2 bedroom for 4 people have a (GIA) of 101 sq.m each and the terrace (Houses 4, 5 and 6) is of 3 bed houses for 5 people with a (GIA) of 111 sq.m each. All units would be in excess of the minimum internal space standards.

5.3.3 In respect of the site layout, the new driveway access would extend from the existing eastern end of Surridge Close and then turn at right-angles and northward away from Glebe Road/towards Farm Road extending to the rear of the site with houses to the west, east and south of the new cul-de-sac section. Private gardens would be provided to the rear of each house with 2 parking spaces provided for each property.

5.3.4 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The proposed separate amenity spaces for each property at a minimum of 101 sq.m (House 3) and maximum of 244 sq.m to House 1 are considered by Staff to be appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space. In addition, they are similar to those in Surridge Close and larger than those in Mayfield

Grove which adjoin the application site; Staff therefore consider that this would be acceptable.

5.3.5 Staff therefore consider that the proposed layout would be acceptable.

#### 5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The surrounding area is of mainly 2-storey houses. The proposal would result in 6 houses, nonetheless only the three houses located directly along the continued section of Surridge Close would be directly visible in the existing streetscene with the others forming a new street scene around the bend in the new access driveway.

5.4.2 To the southern side of Surridge Close, House 1 would step forward slightly where the road bend is proposed. As a single detached house, Staff consider that the proposed design and form of the development would be in character with existing two storey development. Similarly, the two-storey semi-detached pair to the northern side of Surridge Close would be stepped back slightly and Staff consider that the two-storey development would also be in general character with the existing residential development in the Close.

5.4.3 The rear elevations of the proposed development (Houses 1, 2 and 3) would not extend significantly beyond the rear elevations of No.20 Surridge Close/No.25 Surridge Close and Staff therefore consider, in line with the SPD on Residential Design, that these houses would have an acceptable impact on visual amenity in Surridge Close's streetscene and garden environment.

5.4.4 House 1 would have an impact on the rear garden environment of properties in Mayfield Grove. This is in part because the rear gardens of properties in Mayfield Grove are particularly limited in both depth and (because of garages locate to the rear in some cases) width. The minimum depths of gardens to No.s 2 and 3 Mayfield Grove are 8.8m and 10m respectively. The previously refused two-house scheme was located 1m from the shared side boundary and therefore a minimum of 9.8m from the rear elevation of No.2 Mayfield Grove and approximately 11m from the nearest elevation of No.3 Mayfield Grove. The proposed single house would be located 6.4m away from the side boundary with No.2 Mayfield Grove and therefore a minimum of 15.2m away from its rear elevation. In relation to No.3 Mayfield Grove, the proposed house would be located a minimum of 16.4m away. While a matter of judgement, Staff consider that the proposed house is sufficiently distant from the rear of the existing property as to not result in any significant loss of amenity to the existing occupiers from the physical form of the proposed development.

5.3.5 A new streetscene would be formed with a terrace of three two-storey houses to the eastern side of the extended road with the pair of semi-detached properties to its west. The front elevation of the proposed terrace roughly aligns with the rear elevations of the residential properties to Mayfield Grove. The terrace's proposed rear elevation extends beyond the front elevation of the nearest property to the western side of Mayfield Grove, namely No.5 Mayfield Grove. As such, the new properties would be partly visible at the northern end of Mayfield

Grove. The proposal indicates that for the properties to the north of those in Mayfield Grove that levels would be reduced slightly below those currently. This is to reduce the impact on these existing properties and it is therefore appropriate that a suitable condition is attached requiring proposed ground levels. Staff consider that the proposed slightly lower ground level would result in the properties having an acceptable impact in the new streetscene and rear garden environment, together with the proposed arrangement with properties set well back with some front landscaping and vehicle parking to the front of each property would not appear overly dominant or obtrusive in the new streetscene to the Surridge Close extended driveway access, nor would the properties appearing at the end of the vista to Mayfield Grove appear unacceptable in respect of visual amenity in either streetscene, in line with the Residential Design SPD.

5.4.5 The proposal involves the development of a terrace in an area behind/beyond existing development to Surridge Close/Mayfield Grove, nonetheless the proposed houses align with existing development to Mayfield Grove and Staff therefore consider that these properties would not result in harm to the rear garden environment.

5.4.6 Staff therefore consider that the design and siting of the proposed dwellings would not appear materially obtrusive in the street scene, nor would it have an adverse impact on the rear garden environment. They would introduce an element of backland development, nonetheless Staff consider that it would not result in it being overbearing or intrusive.

## 5.5 *Impact on Amenity*

5.5.1 Houses 1, 2 and 3 are proposed to be set back from the Surridge Close highway the same distance as the existing properties. Houses 2 and 3 would be slightly deeper than No. 25 Surridge Close at first floor and significantly deeper at ground floor level. Nonetheless Staff consider, given the distance between No. 25 and the proposed House 2 and as No.25 has its own extension at ground floor level, that there would be no undue impact on this adjoining occupier's amenity. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy. A suitable condition can be attached to any grant of planning permission. Staff do not therefore consider that this part of the development would result in any adverse impact by reason of overlooking, loss of privacy or outlook.

5.5.2 In relation to Houses 4, 5 and 6, this terrace would follow the same alignment as properties 1-5 to Mayfield Grove. Proposed House 6 would be closest to No.6 Mayfield Grove's front elevation, nonetheless Staff consider at a minimum distance of 6m away and as the angle of view from the rear windows would be oblique, that there would not be any significant loss of privacy or interlooking between these two properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.

5.5.3 Staff consider that there would be no undue loss of privacy or overlooking into the existing properties and that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development.

5.5.4 Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree.

#### 5.6 *Highway/Parking/Servicing*

5.6.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. 2 parking spaces are proposed to each of the 6 dwellings. This would be acceptable.

5.6.2 In respect of access, the proposed development would take access from Surridge Close. Highways have indicated that the access driveway is private but otherwise have no objections to the proposed driveway exiting onto Surridge Close.

5.6.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

#### 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 draft SPD on Planning Obligations, totalling £36,000.

#### 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 680m<sup>2</sup> which equates to a Mayoral CIL payment of £13,600 (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 and boundary treatment.

#### 9. **Conclusions**

9.1 The proposal is for 6 houses. Staff consider that the proposal would be acceptable in principle and that the details of the scheme are acceptable such that the scheme would be in accordance with Policies DC2, DC33, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

## 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 22 January 2011; revised plans received 28<sup>th</sup> February and 31<sup>st</sup> May 2013)

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

14 November 2013

**Subject Heading:**

**P1065.13 – 168 Suttons Lane,  
Hornchurch**

**Demolition of existing side extension  
and erection of a new attached  
dwelling (Application received 22<sup>nd</sup>  
August 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	<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 demolition of an existing side extension and the erection of a new attached dwelling. A Section 106 Legal Agreement is required in accordance with the Planning Obligations Supplementary Planning

Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

## RECOMMENDATIONS

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

- A financial contribution of £6,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the 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 a legal agreement to secure the above and upon completion of that Agreement, grant planning permission subject to the conditions set out below.

1. Matching materials - All new external finishes shall be carried out in materials to match those of the existing building(s) 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.

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

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



3. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any amendment of that Order or successor order), no window or other opening (other than those shown on the submitted 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.

4. Landscaping – The dwelling hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

(i) within 3 months of the date of this decision a scheme for landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

(ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

In respect of this condition, a scheme of hard and soft landscaping 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.

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 first occupation 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.

7. Car parking - Before the building(s) hereby permitted is first occupied, the area set aside for car parking as shown on the approved Drawing No. SK.1645.12.1 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.

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. Obscure glazing - The first floor bathroom window on the rear façade of the building as shown on the approved Drawing No. SK.1645.12.2 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.

10. Boundary fencing - Before the building(s) hereby permitted is first occupied, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary fencing and/or screening installed and thereafter permanently retained and maintained 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.

11. Permitted Development - 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 Classes A - E, or any subsequent order revoking or re-enacting that order, no extensions, roof extensions or alterations shall take place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. Highway Alterations – The dwelling hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) below:-

(i) within 3 months of the date of this decision the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into subject to the Council as Highway Authority facilitating completion within 3 months.

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. Vehicular access - The building shall not be occupied until a means of vehicular 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.

14. Sound insulation - The dwelling shall be constructed so 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.

15. Contamination– The dwelling hereby permitted shall be demolished to ground level and materials resulting from the demolition shall be removed within six months of the date of failure to meet any one of the requirements set out in (a) to (c) and (ii), (iii) and (iv) below:-

a) within 3 months of the date of this decision the developer shall submit for the written approval of the Local Planning Authority; 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 and evidence that contamination has not been encountered during development work.

b) within 4 months of the date of this decision the developer shall submit for the written approval of the Local Planning Authority 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) within 5 months of the date of this decision the developer shall submit for the written approval of the Local Planning Authority 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 Scheme which will be fully implemented before the development 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.

(ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

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

#### INFORMATIVES

1. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,652.53. 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.

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.

3. Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request is needed.

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

4. Any statutory undertakers equipment requiring diversion due to this construction shall be diverted at the developers cost.

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

7. 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, the Road Traffic Regulations Act 1984 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.

8. The Highway Authority recommends a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed and existing 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.

#### 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.

### REPORT DETAIL

#### **1. Call in**

- 1.1 Councillor Matthews requested this application be called in to committee, on the grounds of that the application is imposing. There is also concern that the neighbouring property, No. 166 Suttons Lane, will lose a high percentage of light because their side windows will be obscured by the proposed building.

#### **2. Site Description**

- 2.1 The application site is located on western side of Suttons Lane. The site is presently occupied by a two storey end of terrace dwelling. The site has a

frontage depth onto Suttons Lane of approximately 7 metres and the whole site has a depth of approximately 25.2 metres. The site has a width of approximately 6 metres. There is a low brick wall with a timber paling fence and conifers on the front boundary of the site. The site adjoins a two storey end of terrace dwelling, No. 168 Suttons Lane and is flanked by a two storey detached dwelling, No. 166 Suttons Lane to the north east. The surrounding area is predominantly residential in character, comprising of two storey detached, terraced and semi-detached properties.

### **3. Description of Proposal**

- 3.1 The application seeks permission for the demolition of an existing side extension and the erection of a new attached dwelling. In terms of appearance the proposed dwelling would have a gabled roof. In terms of finishing materials, the predominant materials proposed are London Stock bricks, slate roof tiles and UPVC windows.
- 3.2 The dwelling would measure 5.3 metres in width and a maximum depth of 10.55 metres. The dwelling would be located 0.65 metres from the north eastern boundary. The dwelling would be approximately 8.2 metres in height. There would be two spaces on hardstanding for the donor property and two spaces for the proposed dwelling. It is noted that construction works have substantially advanced on site.

### **4. Relevant History**

- 4.1 No relevant planning history.

### **5. Consultations/Representations**

- 5.1 The occupiers of 8 neighbouring properties were notified of this proposal. One letter of objection was received with detailed comments that have been summarised as follows:
- Loss of light.
  - The new building would be close to the boundary, which would be difficult to erect the scaffolding.
- 5.2 In response to the above, comments regarding scaffolding are not material planning considerations. The remaining issue will be addressed in the following sections of this report.
- 5.3 English Heritage – In view of the limited groundworks involved in the scheme, there is not a need for archaeological intervention through the planning system in this case.
- 5.4 The Highway Authority has no objections to the proposals but requires that the vehicle crossover is extended or provided for both the donor and proposed dwellings to allow for vehicles to enter and exit the parking spaces as shown on the submitted plans. Recommends two conditions and various informatives if minded to grant planning permission.

5.5 Environmental Health – Recommend three conditions if minded to grant planning permission.

## **6. Relevant Policies**

### **6.1 LDF Core Strategy Development Plan Document**

CP1 – Housing Supply  
CP2 – Sustainable Communities  
CP17 – Design

### **6.2 LDF Development Control Policies Development Plan Document**

DC2 – Housing Mix and Density  
DC3 – Housing Design and Layout  
DC11 – Non-designated sites  
DC33 – Car parking  
DC35 - Cycling  
DC61 – Urban design  
DC63 – Delivering safer places  
DC72 – Planning Obligations

The Landscaping Supplementary Planning Document  
Residential Extension and Alterations SPD  
Supplementary Planning Document (SPD) for Residential Design  
Planning Obligations Supplementary Planning Document

### **6.3 The London Plan**

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

### **6.4 National Planning Policy Framework**

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

## **7. Staff Comments**

7.1 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.



## 7.2 Principle of Development

7.2.1 Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria.

7.2.2 The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development, particularly as a dwelling occupies the site and therefore, the principle of a residential use is in accordance with policy criteria.

## 7.3 Density and site layout:

7.3.1 The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.0277 hectares and the proposal would produce a density of 36 dwellings per hectare which is deemed to be acceptable.

7.3.2 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance, the proposed dwelling would benefit from a private rear garden area of approximately 45 square metres. The donor property would benefit from a private rear garden area of approximately 41 square metres. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

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 seeks that new residential development conforms to minimum internal space standards set out in the plan. The London Plan seeks a minimum internal floor area of 96 square metres for a dwelling with three bedrooms and 5 bed spaces. The proposed dwelling would have an internal floor area of approximately 106 square metres, which is acceptable.

## 7.4 Impact on local character and street scene:

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

area. In this case, existing development within Suttons Lane comprises of two storey terraced, semi-detached and detached houses. No objections are raised to one, two storey end of terrace dwelling in the locality.

7.4.2 No objections are raised to the demolition of the side extension. The dwelling would be the same height as the attached terraced property. It is considered that the height and scale of the proposed dwelling is compatible with the prevailing scale and character of development within the locality.

7.4.3 The position of the dwelling in the streetscene is considered to be compatible with the general building line of this row of terraced properties in Suttons Lane. The proposed dwelling features a single storey front projection and it is considered that this would integrate satisfactorily with the streetscene. The proposed dwelling does appear to replicate the architectural style of the donor property and would be comparable in terms of design and detailing.

7.4.4 The proposed house would utilise a mixture of materials including London Stock bricks, slate roof tiles and UPVC windows. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. It is considered that the dwelling would not appear cramped in the streetscene, as it would be located approximately 0.5 metres from the north eastern boundary.

## 7.5 Impact on amenity

7.5.1 With regard to amenity issues, consideration should be given to the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

7.5.2 It is considered that the proposed dwelling would not result in a significant loss of amenity to the donor property, as it would be flush with its front and rear façades. Also, the dimensions of the single storey projection of the proposed dwelling adhere to the Residential Extensions and Alterations SPD.

7.5.3 No. 166 Suttons Lane has two flank windows - one is a ground floor flank window that serves a W.C and is obscure glazed. There is a first floor flank window which serves a stairwell and is obscure glazed. It is considered that the proposal would not result in a significant loss of amenity to 166 Suttons Lane, as this neighbouring property does not feature any flank windows that serve habitable rooms and are primary light sources. In addition, the front and rear facades of the proposed dwelling are in general alignment with those of No. 166 Suttons Lane. Also, the dimensions of the single storey projection of the proposed dwelling adhere to the Residential Extensions and Alterations SPD. The dwelling would be located 0.65 metres from the north eastern boundary of the site.

7.5.4 The design and siting of the rear dormer window of the proposed dwelling adheres to the Residential Extensions and Alterations SPD. It is considered that the proposal would not create any due overlooking or loss of privacy over and above existing conditions. Details of boundary treatments and landscaping will be secured by condition.

7.5.5 If minded to grant planning permission, it is proposed to remove permitted development rights for extensions, roof extensions or alterations to the proposed dwelling under Classes A - E, to protect the amenity of neighbouring occupiers.

7.6 Highway/parking issues

7.6.1 There would be off street parking provision for two vehicles on hardstanding to the front of the proposed dwelling, which is sufficient. There would be off street parking provision for two vehicles on hardstanding to the front of the donor property, which is sufficient. The Highway Authority has no objection to the proposal and recommend two conditions and various informatives if minded to grant planning permission. It is considered that the proposal would not create any parking or highway issues.

## **8. The Mayor's Community Infrastructure Levy**

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The side extension with a floor area of 23 square metres has been demolished. According to the plans the new dwelling would have a floor space of 106 square metres. On this basis, the CIL liability equals  $106 - 23 = 83$ . Therefore, CIL would be payable up to £1,652.53 (subject to indexation).  
 $£20\text{sq.m} \times 83 = £1,660$ .  
 $£1,660 \times 0.9955 = £1,652.53$ .

## **9. Planning Obligations**

9.1 A Section 106 Legal Agreement is required to secure a financial contribution of £6,000 for the proposed dwelling to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF.

## **10. Conclusion**

10.1 The erection of a new attached dwelling is considered to be acceptable in principle and no objections are raised to the demolition of the side extension. It is considered that the proposed dwelling would integrate satisfactorily with the donor property and the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The applicant has agreed to a financial contribution of £6k towards infrastructure improvements. Subject to the completion of a

legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

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

None.

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

Legal resources will be required for the drafting of a 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 form, plans and a design and access statement received on 22<sup>nd</sup> August 2013.

# REGULATORY SERVICES COMMITTEE

# REPORT

14 November 2013

**Subject Heading:**

**P1094.13 Frances Bardsley School for  
Girls, Brentwood Road**

**8x13m high floodlight columns and  
floodlighting fittings to an existing  
artificial pitch**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

The application is brought to committee as the proposal relates to a School. The application is for the installation of 8x 13m high floodlight columns and floodlighting fittings to an existing artificial pitch. 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

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. Accordance with plans - The floodlights hereby permitted shall be installed in complete accordance with the approved plans and specifications detailed in the plans 13/111/SD1, 13/111/SD2, 13/111/SD3, 13/111/SD4 and the Planning (Design and Access) Statement dated September 2013. No subsequent changes to the floodlights shall be made without the prior written approval of the Local Planning Authority.

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

3. Hours of illumination - The floodlighting hereby approved shall not be illuminated outside the hours of 09.00 to 21.30 hours Mondays to Fridays and 09.00 to 18.30 hours on Saturdays and Sundays and not at all on 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

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

Reason:-

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

## **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.

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

- 1.1 The application site comprises of Frances Bardsley Academy School.
- 1.2 The school consist of tennis courts and netball courts to the north of the site, the main school building to the centre of the site and all weather artificial hockey pitch and playing field to the south of the site.
- 1.3 To the south of the artificial pitch is very dense group of trees that falls within the school grounds.
- 1.4 The school grounds are surrounded by residential properties to the north on Brentwood Road, to the east on Osborne Road and to the south along Rossall Close.
- 1.5 To the west of the site is Hylands Primary School.

## **2. Description of Proposal**

- 2.1 The application seeks permission for the installation of eight 13m high flood light columns around the perimeter of the artificial pitch.
- 2.2 The two most northern and southern flood light columns proposed would be installed with two flood lights each. The four flood light columns to the centre of the site would each be installed with three flood lights.
- 2.3 The proposed Philips MVP 507 'Optivision' flood lights at 2kw each would provide a maintained horizontal illuminance level of 366 LUX across the whole pitch.
- 2.4 The level of illumination has been designed to achieve a FIFA One Star FA requirements and England Hockey minimum requirements as detailed in the Sport England Guide.
- 2.5 The artificial pitch and associated lighting would be used by the school, community groups and sports clubs during the week and available for sports clubs and private hire during the weekends. The facility would not be open on bank holidays.
- 2.6 The proposed hours of use are as follows:
- Weekdays: 9.00am – 9.30pm  
Weekends: 9.00am – 6.00pm

## **3. Relevant History**

- 3.1 **P0599.12** Installation of floodlights on all-weather pitch at school  
Withdrawn - 05-09-02
- 3.2 **P1451.02** Amendment to P0525.98 for minor alterations to position of artificial playing surfaces  
Approved – 03/10/02
- 3.3 **P0525.98** Extensions to existing school building, parking and artificial playing surfaces to combine Upper and Lower School onto one site  
OUTLINE  
Approved - 08-12-99

## **4. Consultations/Representations**

- 4.1 The application was publicised by the direct notification of adjoining properties. Two letters of objection were received as summarised below:
- The floodlights would be an eye sore with a constant glow. Retractable floodlights would be more appropriate.
  - In 1999 it was considered that flood lights would be intrusive and detrimental to local residents



- Planning permission results in a change of use of the facility
- No other artificial pitch is subject to such saturated lighting
- Invasive nature of the lights on residents in Rossall Close is unacceptable
- Lights would extend use and increase noise and disturbance beyond school times
- Increased use would bring about more traffic movements on congested roads and increase the dangers particularly to the young and elderly
- The increased use of the facility would require increase in security and policing

4.2 Officers response: Please see relevant sections of the report

## **5. Relevant Policies**

5.1 London Plan Policies: 3.18 (Education Facilities) 3.19 (Sports Facilities) 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character).

5.2 Policies CP7, DC20, DC28, DC29, DC33, DC56 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 planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 

6.2.2 Development Plan Planning Policy DC18 - Protection of Public Open Space, Recreation, Sports and leisure facilities' states the Council will seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership.

6.2.3 London Plan Policy 3.19 (Sports Facilities) states development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted. Temporary facilities may provide the means of mitigating any loss as part of proposals for permanent re-provision. Wherever possible, multi-use public facilities for sport and recreational activity should be encouraged. The provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.

6.2.4 Core Policy CP7 – Recreation and Leisure states that the Council will, in partnership with other bodies, seek to retain and increase access to recreation and leisure opportunities by:

- retaining existing facilities where a need exists addressing quantitative and qualitative deficiencies in open space and recreation facilities
- improving opportunities for creative play and physical activity in parks and open spaces
- improving opportunities for informal recreation in the countryside, particularly through the implementation of the Thames Chase Plan and London Riverside Conservation Park, and also by improving footpaths and bridleways and the links between open spaces, the urban areas, the open countryside and the Thames including a continuous Thames Path
- supporting implementation of the following complementary initiatives
  - o Thames Chase
  - o Green Grid
  - o Green Arc
  - o London Outer Orbital Path
  - o Blue Ribbon Network
  - o Thames Chase Forest Circle
- seeking developer contributions towards improvements to the quality and quantity of open space, recreation and leisure facilities

- 6.2.5 Development Control Policy DC28 – Dual use of School Facilities states that Opportunities to make existing schools and their facilities (including playing fields) available to wider community use will be encouraged where such use results in no unacceptable amenity, environmental, safety or traffic problems. In addition, conditions may be imposed to minimise disturbance including time restrictions.
- 6.2.6 Development Control Policy DC20 – Access to recreation and leisure including open space states that the Council will seek to ensure that there is adequate provision of a varied range of accessible leisure and recreation facilities throughout the borough.
- 6.2.7 The proposed works would increase the flexibility and usability of the artificial pitch for the school and a local community outside of school hours. The proposal allowing for more members of the community to participate in recreational activity is therefore considered to be in accordance with the intentions of the NPPF, London Plan Policies and Havering Core Strategy and Development Control Policies.
- 6.2.8 Subject to the impact of the proposal on neighbours living conditions, the appearance of the surrounding area and highway and parking issues. The proposal is considered acceptable in principle.

### **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 floodlights positioned around the perimeter of the existing artificial pitch and within the grounds of the school characterised by a number of sporting facilities and provisions would not be out of keeping with the appearance and character of the application site.
- 6.3.3 The 13m high floodlights by reason of their positioning adjacent to a line of mature and dense trees, a three storey in height school building and separation distance of 54m from the nearest highway would not appear visually intrusive or unduly prominent in the street scene.
- 6.3.4 It is therefore considered that the proposed flood lights by reason of their nature, positioning, design and scale would safeguard the character and appearance of the surrounding area. The proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF.

### **6.4 Impact on Amenity**

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

- 6.4.2 Policy DC56 considers 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.
- 6.4.3 The flood lights would not overlook or lead to the loss of light to any surrounding property.
- 6.4.4 However, two neighbours objected on the basis that the proposal would change the use of the school, result in an increase in noise and disturbance and harm the living conditions of the occupants of Rossall Close.
- 6.4.5 The supporting information submitted with the application confirms that part of the rear gardens of Rossall Close would be subject to light spillage of 5 lux at 1.5m high which would meet the requirements of the Institution of Lighting Professionals (IPL) guidance notes for the reduction of obtrusive light for an E2 – ‘low district brightness area’ (Village or relatively dark outer suburban locations). The IPL is the UKs largest and leading professional lighting association that’s key purpose is to promote excellence in all forms of lighting.
- 6.4.6 It is of note that the submitted calculations are also of a worst case scenario and do not make any allowances for trees, hedgerow or obstructions on site. It is considered that given there is substantive screening in the form of large mature trees directly between the proposed floodlights and properties along Rossall Close. The actual level of light spillage to the rear gardens of neighbouring properties would therefore be significantly reduced than previously stated and no greater than typical of a road light which has an illumination of 5 to 20 LUX.
- 6.4.7 The proposed floodlights would increase the level of activity on the artificial pitch particularly in the winter months. However, it is considered that the proposal would result in no more additional levels of noise and disturbance than already existing within the summer months and previously deemed as acceptable in original planning application for the sports facility.
- 6.4.8 The proposed operational hours of the flood lights would also be restricted by way of condition to ensure no light spillage occurs at unsociable hours and further safeguard neighbours living conditions.
- 6.4.9 The combination of limited light spill, screening in the form of mature trees and separation distance of over 45m between the flood lights and nearest facing habitable room windows along Rossall Close would ensure that the proposal would not harm neighbours living conditions to such an extent to warrant a reason for refusal.

6.4.10 On balance, it is therefore considered that the proposal would not harm neighbours living conditions and is therefore considered acceptable in accordance to Policies DC61 and DC56.

## **6.5 Highway/Parking**

- 6.5.1 The proposed flood lights would not be highly visible from the public highway and any light spillage to the highway would be limited. The proposal would not result in any distraction, significant influence to the present traffic situation or pedestrian conflict.
- 6.5.2 One of the neighbours objection raised concerns that the increase the level of activity of the school would result in congestion issues and prejudice highway safety.
- 6.5.3 It is considered that the existing parking provisions to the north of the site and access arrangements from Brentwood Road which accommodate the needs of the school would sufficiently accommodate the use of the artificial pitch by community groups in the evenings and weekends in the winter months.
- 6.5.4 It is considered that the proposal would not affect highway safety or result in parking or congestion issues to such an extent to warrant a refusal.

## **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 flood lights would be acceptable in principle, safeguard the character and appearance of the area and neighbours living conditions, and not result in any parking and highway matters.
- 7.2 The proposed development would comply with the intensions of the NPPF, London Plan Policies and Havering Core Strategy and Development Control Policies.

## **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 9 September 2013.

# REGULATORY SERVICES COMMITTEE

14 November 2013

# REPORT

**Subject Heading:**

**P0785.13: Land to the east of Gooshays Drive, west and north of Petersfield Avenue, Harold Hill (application received 27 June 2013; revised plans received 24 October 2013 and 5 November 2013).**

**Submission of reserved matters pursuant to outline planning permission P1451.10 for the creation of 242 No. two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, ancillary structures and landscaping.**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

This application is a reserved matters submission, following the grant of outline planning permission for residential development of up to 242 units on the site. The reserved matters submission covers matters of access, appearance, layout, scale and landscaping.

Staff consider the principal matters for consideration to be the extent of compliance with the outline planning permission and conditions forming part thereof and the acceptability of the detailed proposals with specific reference to layout and design, visual impact, environmental impact, parking and highway implications and impact on amenity.

At the time of writing this report comments on the proposal are still awaited from the Environment Agency. Aside from this, it is judged that the proposal is acceptable in all material respects. It is therefore recommended that, subject to no objection from the Environment Agency, that the reserved matters be approved.

## RECOMMENDATIONS

It is recommended that, subject to the Environment Agency confirming that it has no objection to the proposal, that the reserved matters application be granted, subject to the following condition (and any additional conditions recommended by the Environment Agency):

### Details of Playspace

- 1) Before the development is commenced, details of a children's play area, including details of location, boundary treatment, surface materials, equipment, timescale for provision relative to the phasing of the development and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. The children's play area shall be provided in accordance with the approved details and thereafter maintained in accordance with the approved maintenance regime.

Reason: To ensure a satisfactory level of play provision, in accordance with Policy 3.6 of the London Plan.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site covers an area of 5.69 hectares and is located on the eastern side of Gooshays Drive, to the immediate north of Petersfield



Avenue. To the east, the site is bounded by Paines Brook, which forms the boundary between the site, with Central Park further to the east. The northern section of the site lies within Central Park. To the north of the site is the Harold Hill Leisure Centre. To the west of the site the site is bordered by the Harold Hill Health Centre and the Harold Hill Community Centre.

- 1.2 The site currently consists predominantly of playing fields and open space. To the western side of the site there is the Albemarle Youth Centre and the Citizens Advice Bureau, predominantly single storey buildings, both of which are to be demolished. Within the site are two existing playing fields, created on terraces separated by embankments. The site also contains disused hard surface tennis courts and large grassed areas, which are suitable for sporting use.
- 1.3 The site slopes in a west to east direction. It contains mature vegetation which runs principally in two belts west to east across the site. There is also mature vegetation to the eastern side of the site adjacent to Paines Brook and to the southern boundary of the site to Petersfield Avenue. The LDF identifies land alongside Paines Brook, to the east of the site, and near to the eastern boundary of Central Park as a Borough-level Site of Nature Conservation Importance. The majority of the site is within Flood Zone 1, with part in Flood Zone 2. There is a Tree Preservation Order (TPO 2/11) in respect of a Deodar cedar to the western side of the site, south of the community centre.

## **2. Description of Proposal**

- 2.1 The application comprises a reserved matters submission, following the previous grant of outline planning permission for residential development on this site for up to 242 units (application reference P1451.10). All matters were reserved on the outline consent so this application seeks approval for detailed proposals that cover matters of access, appearance, layout, scale and landscaping.
- 2.2 The detailed proposals subject of this application are for the creation of 242 no. two, three and four bedroom houses and apartments, plus associated roads, paths, car parking, ancillary structures and landscaping.
- 2.3 The layout of the site is based on the principles established by the Design and Access Statement, forming part of the outline planning permission, and the approved Development Parameter Plans for layout and building heights. The application proposes two principal vehicular accesses to the site, one from Gooshays Drive, some 45m south of the community centre and one from Petersfield Avenue, some 47m in from the eastern boundary of the site. An additional vehicular access is also proposed from Petersfield Avenue, further to the west, which would serve five houses within the development.

- 2.4 The layout proposes a mix of flatted development, short terraces, semi-detached and detached housing, which is arranged across the site around a network of internal roads. The layout of the development is designed to respond to the Parameters Plan, which requires development to be set away from the eastern boundary of the site (with Paines Brook) and outside of the south-eastern corner of the site, which falls within a higher flood risk zone. The development provides a central, landscaped area of open space and has been designed to retain significant belts of tree cover within the site, including that to the southern site boundary with Petersfield Avenue and that extending from the south-western corner of the site northwards along Gooshays Drive. All of the units within the development have at least one car parking space, with total parking provision of 318 spaces – the outline parameter was that parking should not exceed 375 spaces, which is a requirement of the outline planning permission.
- 2.5 The proposed development comprises a range of building types. Flanking the site entrance on Gooshays Drive, it is proposed to construct two apartment blocks. These are referred to within the application as Blocks A & F. Block A lies to the north-western side of the Gooshays Drive entrance and is designed as an L-shaped, 3 storey block, although some aspects of the building have a dropped eaves detail given the appearance overall of a 2.5 storey building. Block A would have entrances to both front and rear of the building with the block having balcony details to both the street facing and return elevations. The block is generally of traditional design, finished externally with a combination of brick and weatherboarding and tiled pitched roofs. Block F, to the southern side of the Gooshays Drive access, has a smaller footprint, but otherwise is broadly similar in scale, height and design to Block A. A third apartment block is proposed in the south-eastern corner of the site, set back into the site and fronting on to Petersfield Avenue, referred to within the application as Block E. This takes a similar design approach to the other apartment blocks and has its principal entrance to the front elevation. This block includes balconies which face east on to the adjacent river and Central Park beyond. External materials are the same as for the other apartment blocks and parking is provided in a surface car park to the front of the block.
- 2.5 Within the centre of the site, towards its northern end, the development also includes a row of three, linked apartment blocks, referred to within the application as Blocks B, C and D. These face north but have balconies to their southern side, which face across the proposed area of open space. The blocks are all three storeys and proposed to be constructed of similar materials, i.e. brick and some weather boarding with tiled roofs, as the other flats within the site.
- 2.6 The remainder of development within the site is predominantly single family housing, ranging between 2, 3 and 4 bedrooms, although the majority of the development is for three bedroom houses (182 of the proposed 242 units or 75%). Two of the buildings proposed within the development are 2 storey with parking on the ground floor and two bedroom flat over. The houses are a mix of architectural styles, although mostly built on traditional lines,

ranging between short terraces, semi-detached and linked semi's and detached housing. Where possible the dwellings have been designed to face onto the boundaries of the site i.e. fronting on to Petersfield Avenue and Gooshays Drive to the south and west respectively, or facing east and north across the adjacent Central Park. The development proposes a range of different house types, having separate external materials and detailing, although they share a palette of similar materials. The houses are all two storey, although they generally have steep roof pitches, which could potentially accommodate roof space accommodation in the future. There are 24 units within the development designed to be wheelchair accessible and fully adaptable for residents who are wheelchair users. External materials have been submitted and comprise a range of red and buff coloured bricks and combination of rustic red and slate grey roof tiles, with some units within the development finished with Marley Eternit Cedral Weatherboarding. Windows, fascias and soffits are proposed to be white uPVC.

### **3. Relevant History**

- 3.1 The application site comprises land that was in the ownership of the Council. The disposal of this site for residential development forms a critical element of the Harold Hill Ambitions Programme, which seeks to achieve the social and economic transformation of the Harold Hill Area. The Council is committed to using income received through the sale of the land to a range of local improvements in this part of the Borough.
- 3.2 Outline planning permission for residential development on this site was granted in March 2012 under planning permission reference P1451.10. The permission was for a maximum of 242 residential dwellings on the site.

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

- 4.1 The application has been advertised on site and in the local press as a major development and neighbour notification letters have been sent to properties nearby. Seven letters of representation have been received objecting to the proposal on the following grounds:

- area is becoming over-populated
- will increase parking problems
- impact on community facilities such as surgeries, schools and hospitals
- access road (on Petersfield Avenue) should be repositioned to avoid glare from headlights and difficulty exiting driveways
- increase in traffic
- will be used as a rat-run
- development out of character with neighbouring houses
- should be protecting green space
- change to character of area
- pollution
- increased noise

- impact on Fire Service and Policing
  - area in flood zones
  - boundary trees should be retained
  - land should revert back to parkland
- 4.2 The Environment Agency have requested clarification from the developers whether the proposal complies with the planning conditions imposed on the outline planning permission. An updated Flood Risk Assessment has also been prepared for this application and is currently with the Environment Agency for consideration. Members will be advised at the meeting of any updates in respect of the Environment Agency position regarding this application.
- 4.3 The National Grid advises that there are low or medium pressure gas pipes and equipment in the vicinity of the site. The applicant is aware of this.
- 4.4 Environmental Health have requested conditions relating to air quality assessment, land contamination and import soil quality if permission is granted. Members will however note that such conditions have already been imposed on the outline planning permission for this site and will continue to apply.
- 4.5 Highways raise no objection to the proposals, which are considered to follow the general principles of the outline planning permission. Highways have considered the impact of the development on the Gooshays Drive/Petersfield Avenue junction and potential for rat-running and consider that allowing a traffic calmed through route within the site would be the most appropriate way of dealing with this. Conditions relating to construction methodology, wheel washing and highway works are requested if permission is granted. Members will however note that such conditions have already been imposed on the outline planning permission for this site and will continue to apply.
- 4.6 The Borough Designing Out Crime Officer comments that the designs include many design prevention measures but some revisions to matters of detailed would be encouraged. The scheme has been revised since these comments were made to address a number of these points and Members will be advised if there is any material objection to the scheme from the DOCO.

## **5. Relevant Policies**

- 5.1 The National Planning Policy Framework is material to the consideration of this application, as are Policies 2.18, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.19, 5.2, 5.3, 5.6, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 6.14, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.18, 7.19, 7.21, 8.2 and 8.3 of the London Plan.
- 5.2 Policies CP1, CP2, CP7, CP8, CP10, CP15, CP17, CP18, DC2, DC6, DC7, DC18, DC20, DC30, DC32, DC33, DC34, DC40, DC48, DC49, DC50,

DC51, DC52, DC53, DC55, DC58, DC60, DC61, DC63, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

In addition, the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD, Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, the detailed design and layout of the development, including the extent to which it is compliant with the development parameters and conditions forming part of the outline consent, the visual impact of the development on local character and the streetscene, environmental issues including detailed landscaping proposals, parking and highway implications, the impact on amenity and matters relating to community impacts.

### **6.2 Principle of Development**

6.2.1 This application is a reserved matters submission pursuant to the grant of outline planning permission for residential development on this site (planning permission reference P1451.10). As such, the principle of residential development on this site has already been accepted.

6.2.2 Outline planning permission was granted for a residential development of up to 242 houses and flats. The reserved matters submission has been revised since initial submission and is for 242 units so, in this respect, is compliant with the outline planning permission.

6.2.3 The outline planning permission was granted subject to a number of planning conditions. Condition 7 of the outline planning permission requires the development to be carried out in accordance with the approved development parameters, which are detailed in Section 1.2 of the Design and Access Statement, and the Site Masterplan Supplementary Information as well as on the following approved drawings:

2874 PARA 01 Development Parameter Plan (revised and received 16.8.11)  
2874 PARA 02 Parameter Plan Maximum Building Heights.

6.2.4 Staff have considered whether the proposals comply with the approved parameter plans. The parameter plans set a number of limitations on the development, including over land use, building footprint, the extent of car parking and vehicle access, the location of vehicular and pedestrian accesses, the amount of open space within the development, parking and cycle provision, the scale thresholds of development and the height of buildings. Each of these matters is addressed below:

#### Land use:

The parameter plan approves residential development on the site of up to 242 units, of which up to 193 are to be houses and up to 49 flats. The proposal is compliant with the parameter plan in this respect.

#### Building footprint:

The parameter plan illustrates where building footprint may be located across the site. The proposal is not wholly compliant with the parameters plan in that Block E sits closer to the eastern boundary of the site than allowed for. The applicant has advised that this results from updated flood risk and flood modelling data that has since become available, indicating this area of the site is not at the risk of flooding that was originally envisaged. An updated Flood Risk Assessment has been prepared to support this.

Staff acknowledge that the development would not entirely accord with the parameters plan in this respect but note that the principles of retaining space between the development and eastern site boundary have been maintained, such that the character of the resulting development is not significantly different from that envisaged by the outline application.

Subject to the Environment Agency confirming that the proposal is acceptable in respect of flood risk, Staff accept that this change to the scheme would not result in development significantly different to that approved at outline stage and so would not constitute a 'significant deviation' from the planning approval.

#### Extent of car parking and vehicle access:

The parameter plan illustrates the maximum extent of parking and vehicle routes within the site where car parking and access routes may be located across the site. The proposal is broadly compliant in this respect but it shows a car parking area for Block E in the south-eastern corner of the site. This does not fully comply with the parameters plan, which did not include any development in this part of the site, which falls within a higher risk flood zone. In terms of compliance with the outline planning consent, condition 7 of the outline planning permission states that there shall be no 'significant deviation' from the approved parameters plan. Staff consider it reasonable that the inclusion of a car park in this area should not be considered as representing a significant deviation from the parameters plan.

The location of the car park in this part of the site is not necessarily unacceptable in principle but should be justified through a Flood Risk Assessment (FRA). An updated FRA has been produced and is currently with the Environment Agency for consideration. Members will be updated on this issue at the meeting.

#### Location of vehicular and pedestrian accesses:

The parameter plan indicates that the site should have two main vehicular entrances, one from Gooshays Drive and one from Petersfield Avenue. The proposal is compliant in this respect and the accesses are in acceptable locations. The proposals introduce a third point of access to the site, which is located on Petersfield Avenue. This serves a small cul-de-sac of five dwellings and is considered to be acceptable in principle. The proposals also show a location for pedestrian access into the adjacent Central Park, located in the north-eastern corner of the site. This is acceptable and consistent with the principles agreed at outline stage.

#### Amount of open space:

The parameter plan quantifies the amount of open space and playspace that should be provided within the development – 9,680 square metres and 730 square metres respectively. The detailed proposals for the development show that the site overall will provide 8,961 square metres of open space. The open space provision within the site includes a substantial central soft landscaped swathe that is considered to accord with the objectives of the Design and Access Statement and consistent with the overall design principles for the site.

The overall amount of open space within the site is below the 9,860 square metres stated on the approved parameters plan. However, the extent of the shortfall is not significant, around 8% below the stipulated figure, such that staff consider this would not represent a significant deviation from the approved parameters. Staff are therefore of the opinion that no material conflict with the provisions of the outline planning permission exists.

In terms of play space provision, no play equipment is shown within the scheme. A condition is suggested requiring details of children's play space to be submitted for approval to accord with the requirements of the outline planning permission.

#### Parking and cycle provision:

The parameter plan stipulates the maximum number of parking spaces to be provided within the development (375 – average of 1.5 per dwelling) and the cycle storage provision (1 per 1 and 2 bed dwelling; 2 for 3 bed or more dwellings). The development provides 312 surface parking spaces and 6 garage spaces, which is below the maximum stipulated on the parameters plan and also in the relevant planning condition (condition 16). The amount of cycle parking is 435 spaces, which is at a ratio of 1 cycle space per apartment and 2 per house. This is also compliant with the parameters plan and condition 17 of the planning permission.

### Scale thresholds of development:

The parameter plan details the maximum scale threshold for buildings. No building should be less than 5m wide or more than 150m wide; no should it be any less than 5m in length or more than 80m in length. The proposed development complies with the parameters plan in this respect.

### Height of buildings:

The parameter plans require that the height of the buildings shall comply with the indicated AOD levels, with a 2m variance permitted to allow for site levelling. Buildings should be a minimum of one storey and a maximum of three storeys or 10.5m high above finished grade level. In this case, the apartment buildings are up to 13.5 metres high, but as no buildings exceed three storeys in height, it is considered that the parameters are met.

- 6.2.5 Staff therefore consider that the detailed proposals have been demonstrated to accord with the development parameters forming part of the outline planning permission. Consideration must however also be given as to whether the detailed proposals are complaint with the planning conditions imposed by the outline consent, insofar as they relate to matters of layout and detailed design. It is Staff's opinion that the following conditions ought reasonably be taken into consideration in determining whether the proposals are compliant in principle with the outline planning permission.

- 4 phasing of development
- 12 landscaping
- 15 design statement
- 16 parking
- 17 cycling
- 18 blue badge parking provision
- 26 flood risk assessment
- 28 buffer strip
- 29 wheelchair accessibility/lifetime homes
- 30 sustainability
- 31 energy efficiency
- 32 refuse storage
- 37 internal space standards/percentage of three bed units

Consideration could also be given to the requirements of conditions 8 (materials) and 11 (obscure glazing).

- 6.2.6 With regard to condition 4 (phasing of development), the applicant has confirmed this is not proposed to be a phased development. The extent to which the development complies with the other conditions listed above will be considered elsewhere in this report.



### 6.3 **Design and Layout**

- 6.3.1 The density of the development proposed is set by the proposed development parameters. These provide for a development of up to 242 houses, consisting of up to 193 houses and up to 49 flats. The site has an area of 5.7 hectares and the reserved matters submission is for 242 units, giving an overall site density of 43 dwellings per hectare. This is within the range of 30-50 dwellings per hectare considered acceptable in this locality under Policy DC2 and also accords with the outline planning permission.
- 6.3.2 As referred to in paragraph 6.2.4 above, the detailed layout of the site has been developed based on the parameters plan forming part of the outline approval. Paragraph 6.2.4 also assesses the extent to which the development is considered to be compliant with the parameters plan and concludes that, although there is some difference between the approved parameters and the detailed layout, this is not to the extent that may be deemed a significant or unreasonable degree of deviation from the approved drawings.
- 6.3.3 On the basis that the principles of the development are satisfied, this section of the report centres around the detailed layout of the site and whether it is judged to be acceptable and compliant with the original design principles of the outline consent.
- 6.3.4. The layout of the site is, to some extent, controlled by a number of design principles, which were considered at outline stage and secured through planning conditions. These included the site constraints, which require a buffer strip free from development to the east of the site adjacent to Paines Brook, the retention and enhancement of key landscape features within the site and flood risk issues. Secondly, the need to provide permeability and connectivity through the site and to adjacent areas. Thirdly retaining key views through and into the site. An illustrative site layout masterplan was submitted with the outline scheme, which although not binding, showed how such design principles may be translated into a detailed development.
- 6.3.5 Staff consider that the layout of the site responds well to these design principles. In terms of the constraints, the layout respects the need to create a buffer to Paines Brook on the north-eastern side of the site. It also contains detailed landscaping proposals that respect the requirement to retain key areas of landscaping across the site – this is assessed in more detail in section 6.5 below. The site layout has responded to the flood risk issues and the limits this places over where development may be located within the site, although the specific details of flood risk issues are addressed elsewhere in this report.
- 6.3.6 Design principles relating to the location of vehicular accesses have been adhered to and Staff consider that the proposal responds well to the requirement to provide permeability and connectivity both across the site and in to adjacent areas. The site layout demonstrates cross-permeability between Gooshays Drive and Petersfield Avenue and also enables linkage

from the north-eastern corner of the site into Central Park. The layout of the site is centred around a substantial area of landscaped, open space, which was an integral feature of the design principles at outline stage. This is considered capable of providing a high quality, focal point at the heart of the development. In addition, each of the dwellings are provided with good sized amenity areas, in well laid out and private form, that are considered to accord with the objectives of the Residential Design SPD. The apartments all benefit from decent sized private balconies and are provided within landscaped settings, such that the scheme is considered to provide an acceptable degree of amenity for future occupiers.

- 6.3.7 The arrangement of the built form throughout the site creates a clearly defined, defensible edge to the development. Buildings are located around the perimeters of the site, facing outwards, which provides a strong urban form, softened where necessary by the retention of boundary landscaping e.g. to Petersfield Avenue and where the site adjoins the watercourse and open space to the east. Principally, the site has two storey housing around the site boundaries, with the notable exception being the two flatted blocks, which are positioned either side of the site access to Gooshays Drive. Staff consider that it is appropriate that this entrance to the site is marked by development of a more substantial scale as this better defines the entrance and relates well to the character of Gooshays Drive as a main thorough-fare and nearby civic buildings. The buildings are set back from the boundaries of the site, within landscaped settings, which is considered to reflect local character and prevent an overly intrusive impact in the streetscene.
- 6.3.8 Within the site, the development is generally arranged as groups of houses, arranged as either detached, semi-detached or short terraces. In addition to the flatted blocks either side of the Gooshays Drive entrance, referred to in paragraph 6.3.7 above, the development also includes a flatted block to the south-eastern corner of the site (Block E) and three linked blocks within the site towards its northern end (Blocks B, C & D). Each of these blocks are considered to be well-laid out and to sit comfortably within the site boundaries, such that they complement the character of the site overall.
- 6.3.9 Overall, the buildings within the site are considered to be well laid out and to complement each other. The relationships between dwellings are such that they will generally provide a high quality living environment and degree of amenity for future occupiers. There are however two units within the development where Staff have expressed concerns regarding this issue and this concerns a specific unit type, that involve the creation of a first floor flat over a ground floor parking area. These flats over garages are referred to as FOG units and exist on plots 34 and 227. Staff's concern centred around the two storey height of these units and their position directly at the end of neighbouring gardens, as well as the lack of any dedicated amenity space for plot 34.
- 6.3.10 In response to these concerns, the applicant has revised the design of these units, which has entailed reducing their height and dropping the eaves line to the rear, simplifying the design and changing the ground floor element

from solid brick to railings, thereby lessening the visual impact to the neighbouring properties. The applicant has also demonstrated how similar units have been provided on other Persimmon sites elsewhere. Whilst a unit of this type is unlikely to be acceptable on many other sites in the Borough, in a development of this size it would not look out of character and anybody buying these or neighbouring units would be aware of the particular arrangement and amenity implications. Combined with the improvements made to the design of these units, Staff consider on balance that they would be acceptable.

6.3.11 In other respects the development meets the required design standards. The internal sizes are compliant with the requirements of Policy 3.5 of the London Plan and thereby satisfy condition 37 of the outline planning permission. The development also satisfies this condition in that the development primarily comprises 3 and 4 bed units, although there are also some 2 bed units within the development. Each of the dwelling proposed meet, and in some cases exceed, the minimum internal spaces standards set by the London Plan.

6.3.12 There are 24 units within the development designed to be wheelchair accessible and fully adaptable for residents who are wheelchair users, thereby complying with condition 29 of the outline planning permission. The applicant has also demonstrated that the proposal meets Lifetime Homes criteria, which is also a requirement of condition 29.

6.3.13 The application is also accompanied by a Safer Places Statement, which explains how the scheme has been developed with regard to crime prevention and community safety. The Borough's Designing Out Crime officer has been consulted with regard to the proposals and raises no material objections to the design and layout of the proposals, although some adjustments have been recommended that improve the scheme in respect of community safety issues. These changes have been incorporated where possible into the detailed design of the scheme and Staff are therefore satisfied, on balance, that the proposal has been designed with due regard to crime prevention and community safety issues.

6.3.14 In summary, it is considered that the layout of the site is broadly compliant with the parameters plan forming part of the outline planning permission and does not deviate from this to any significant extent. The site layout has been designed to comply with the design principles identified at outline permission stage and is not in conflict with any of the key site constraints. Staff are satisfied that the development is well laid out and will create a high quality living environment, as well as relating well to the character of the surrounding area.

#### **6.4 Design and Visual Impact**

6.4.1 In granting outline planning permission, it was clear from the Design and Access statement forming part of the outline application, that development on this site would be of mixed unit sizes and types and likely to take the

form of both houses and flats. Staff considered this to be acceptable in principle, owing to the range of development types in the locality. Therefore, no objection is raised in principle to the detailed proposals, which propose two storey houses and apartment blocks. The design parameters for the site restricted the maximum building block width to 150m and maximum building block length to 80m, which is complied with in the detailed design proposals. The building heights were capped at three storeys and the reserved matters submission is also consistent with this although, as explained in more detail in paragraph 6.2.4, the overall heights are affected by ground level issues. Nevertheless, Staff consider the overall size and scale of development to be consistent with that envisaged by the outline planning approval.

- 6.4.2 The proposed site entrance on Gooshays Drive will be flanked by an apartment block (Blocks A & F) either side of the access. The building to the north side of the entrance, referenced in the application as Block A, is the larger of the two blocks and designed with a principal entrance from Gooshays Drive. Both apartment blocks have accommodation on three floors but are designed so that only the corner element, with a strong gabled feature, appears as fully three storey. The remainder of both buildings has been designed with dropped eaves detail, thereby giving the impression of a two and a half storey building. Staff have discussed the design of the entrance blocks at length with the scheme architects and this has resulted in the lowering and redesigning of some sections of the building. Staff are satisfied that the overall height of the building relates acceptably to other development in the Gooshays Drive streetscene, whilst still giving the entrance buildings sufficient scale to mark the principal entrance to the site. The buildings exhibit a traditional design approach with tiled roofs and a brick and weatherboarded external finish and external front facing balconies. Staff are satisfied that the scale and massing of the apartment blocks either side of the Gooshays Drive entrance and their design and external appearance will give a suitably high quality appearance to the development in the streetscene.
- 6.4.3 Moving southwards from the apartment blocks A & F, the scale of the development reduces down to 2 storey dwellings fronting on to Gooshays Drive. These are traditionally designed dwellings, finished with hipped or gabled roofs, and back from the site boundary within landscaped frontages. Such development is characteristic of the wider Harold Hill area and considered to be entirely acceptable in the streetscene. In the south-western corner of the site a substantial amount of existing landscaping will be retained together with a soft landscaped area. This will effectively screen development proposed in this part of the site and soften the visual impact and mass of the development overall as seen from Gooshays Drive.
- 6.4.4 Turning to the Petersfield Avenue frontage of the development, this is primarily comprised of two storey houses. Although two storey the houses are generally taller than the local housing opposite the site, mainly due to having a much steeper roof pitch. However, they are set well back from the edge of the site behind a landscaped screen and, in the context of the larger

development site of which they form part, are judged to be compatible with local character. Again, a traditional mix of brick and weatherboarding, gabled and hipped roofs, are proposed and this is considered to be acceptable within the wider streetscene.

- 6.4.5 Within the south-eastern corner of the site it is proposed to locate a further apartment block, referenced in the application as Block E. This is of similar design to those proposed to the Gooshays Drive frontage, comprising both full three storey and 2.5 storey elements. The block is considered to be of a design and massing that works acceptably within the site and would not be visually intrusive, not least owing to its recessed position some 35m plus, from the site frontage. The block is also set in from the eastern boundary of the site on to Paines Brook and Central Park and judged not to unacceptably encroach into the open character of the adjacent land.
- 6.4.6 The remainder of the perimeter development within the site is two storeys high and set in from both the eastern and northern boundaries of the site, such that it is not judged to be visually intrusive or overbearing. The development includes a number of different house types, although there are also design variations, within each type. All are of a traditional design, constructed predominantly of red or buff coloured brick externally with red or grey tiles. A number of dwellings within the development are finished externally with weather boarding rather than external brick. The design approach to the dwellings is considered to be acceptable and to complement the existing character of the locality. Details of the external materials have been submitted with the reserved matters application indicating a mix of buff and red coloured brick and some use of weatherboarding. The mix of materials proposed is considered acceptable and to provide acceptable visual interest. Specification of the materials will be submitted separately through the condition discharge process.
- 6.4.7 The proposed dwellings are predominantly two storey, although many have a steep roof pitch, which would potentially enable accommodation to be provided in the roofspace in the future. This would be likely to need separate planning permission as permitted development rights for the site have already been removed by condition forming part of the outline planning approval. The dwellings within the development are considered to be acceptable in terms of scale and massing, although it is acknowledged that they appear somewhat tall, despite their two storey nature, owing to the steepness of the roof pitch. It is considered however that the development will, by nature of the number of units proposed, create its own character, such that the units will be compatible with those around it within the development site and need not necessarily fully reflect the height of surrounding buildings.
- 6.4.8 Towards the northern end of the site there are further apartments, made up of three linked blocks, referred to in the application as Blocks B, C and D. These are three storey in height and judged to be acceptable in scale as they are set well away from the site boundaries and will be viewed in the context of the other new housing within the development. Staff have sought

some modifications to the design and layout of these blocks, largely to improve the settings of the flats and minimise the visual impact of ancillary structures such as cycle and refuse storage. Staff are satisfied that the revised proposals create development of a suitably high quality character and appearance.

6.4.9 Overall, the proposed development is considered to be acceptable in terms of scale and massing and will create residential units of sufficient variety in design and appearance. It is considered that the design and visual impact of the development will be entirely acceptable and compatible with local character, resulting in a high quality residential scheme that is consistent with the Council's regeneration objectives in Harold Hill.

## 6.5 **Environmental Issues**

### Landscaping

6.5.1 When outline planning permission was granted, landscaping was a reserved matter. It was also subject of a planning condition (condition 12). Notwithstanding that landscaping could not be considered fully at outline stage, given that the detailed layout of the site was not then known, detailed information including an arboricultural statement and landscape and visual impact assessment was submitted and considered as part of the outline approval.

6.5.2 The key principles established at outline stage was that the development should seek to achieve the following:

- the proposed retention of Category A & B trees to the southern and eastern site boundaries and running east/west across the site (between the existing health centre and Central Park play area)
- the retention of the preserved Deodar Cedar tree, to the western side of the site (south of the existing community centre)
- a publicly accessible landscape buffer between Paine's Brook and the opportunity for habitat enhancement and SUDS proposals
- the opportunity for additional landscaping of the site, particularly to its northern boundary.

6.5.3 Detailed landscape proposals and a tree survey, including an Arboricultural Implications Assessment (AIA) have been submitted with the reserved matters application and staff are satisfied that these, for the main part, accord with the principles agreed at the outline stage. A number of trees will be felled but this is as identified within the outline approval and the application still retains a number of trees within the site, particularly to the southern and eastern boundaries of the site, as originally envisaged. Retained landscaping will be supplemented by extensive new planting such that the site is considered to have an acceptable visual impact post-development.

- 6.5.4 With regard to the preserved Deodar Cedar to the western side of the site, the intention was that this tree should be retained. However, the detailed layout plans for the site indicate that this tree will be removed. The justification for this is based around the health of the tree, which has some damage, requiring regular monitoring and possibility of works being require, together with the diminished value the tree will have in the streetscene following the construction of the new development. Staff have considered carefully whether there is any justification for the loss of this tree and it has been inspected by both the Council's Landscape and Arboricultural officers to assess its condition.
- 6.5.5 Staff consider the damage to the tree would not require its removal but accept that a degree of work to cut back the tree would be likely in the longer term. It is also accepted that the aesthetic value of the tree, which is largely due to its visibility in the streetscene as part of a wider open space, will be reduced considerably when the site is developed. The nature of the tree and its condition does not sit well within the development on a long term basis and Staff consider the proposals put forward, which include the inclusion of a heavy standard London Plane in place of the Deodar Cedar, would in the longer term be better suited to the development and character of the area. On balance therefore Staff do not raise objection to the loss of this TPO tree.
- 6.5.6 There are further conditions forming part of the outline planning permission relating to the landscaping. These are conditions 13 requiring a landscape management plan and condition 14 in respect of submission of detailed for protection of TPO trees during construction. Both of these conditions can be dealt with at a later stage under a separate condition discharge process.
- 6.5.7 Staff are however satisfied overall with the quality and detail of the landscaping proposals for this site and consider that the principles of the outline planning consent have been adhered to.

#### Flood Risk

- 6.5.8 Issues relating to flood risk were considered at outline planning stage. The Environment Agency were consulted on the outline application and raised no objections to the proposal subject to conditions requiring the development to accord with the submitted flood risk assessment (condition 26 of the outline permission), submission of details for surface water drainage (condition 27) and the provision of details for a buffer zone to Paines Brook (condition 28).
- 6.5.9 With regard to the flood risk assessment (FRA), as explained in paragraph 6.2.4 above, the application is not entirely in accordance with the original FRA in that it has now introduced a surface car park into the south-eastern corner of the site. This part of the site lies within flood zone 3 and was originally intended to be kept free of development.

- 6.5.10 The applicant has prepared a revised FRA to address these revisions to the layout and this is currently with the Environment Agency for consideration. Members will be advised of any response received from the EA at the meeting.
- 6.5.11 With regard to surface water drainage (condition 27) the Environment Agency have initially advised that they are not satisfied with the surface water drainage provision within the site. It is understood that further discussions with the EA in this respect have been ongoing and Staff will advise Members of the progress of these discussions at the meeting.
- 6.5.12 In respect of condition 28 (buffer strip to Paines Brook), Staff are satisfied that the detailed layout of the site enables such a buffer strip to be provided. Full details of this have not been submitted at this stage but can be provided and considered later as part of the condition discharge process.

### Sustainability and Renewable Energy

- 6.5.13 When outline planning permission was granted it was subject to the condition that any application for reserved matters be accompanied by:
- A sustainability statement, required to demonstrate that the development will achieve a minimum Code for Sustainable Homes Level 4 (condition 30), and;
  - An Energy Statement, to incorporate an energy demand assessment and detailing the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. Such statement to details of a renewable energy/low carbon generation system for the proposed development, which will displace at least 20% of carbon dioxide emissions, beyond current Building Regulations requirements (condition 31).
- 6.5.14 The applicant has confirmed that each of the dwellings will be designed to Code for Sustainable Homes Level 4 and a statement submitted indicating how this may be achieved. Staff consider this to be acceptable.
- 6.5.15 Other environmental issues such as contaminated land, air quality, construction impacts, noise issues, ecology and archaeology were considered at outline application stage and judged not to give rise to material grounds for refusal. These issues are subject, where necessary, to planning conditions forming part of the outline approval and do not need to be considered in detail under this reserved matters submission.

## **6.6 Parking and Highway Issues**

- 6.6.1 The proposed development has two principal points of access- one from Gooshays Drive and the other from Petersfield Avenue. This accords with the outline planning approval and the principles that were considered by the Council's Highway Engineers and Transport for London when outline



planning permission was granted. The Council's Highway Engineers have raised no objection to the detailed access arrangements and consider the layout of the site to be acceptable. A third vehicular access to the site is proposed, which is in Petersfield Avenue but as this serves a cul-de-sac of just five dwellings within the development and does not integrate with the access routes through the remainder of the site no objection is raised to this arrangement.

- 6.6.2 Highways have considered the potential for vehicles crossing the site diagonally via the two access points, thereby by passing the junction of Gooshays Drive and Petersfield Avenue but have raised no material concern in this respect and do not consider this would result in any unacceptable issues. Rather this arrangement may alleviate pressure at the Gooshays Drive/Petersfield Avenue junction, which although is considered to still operate within the limits of its overall capacity, is likely to become busier as a result of the proposed development.
- 6.6.3 Issues relating to highway congestion and road capacity were considered when outline planning permission was granted and a detailed transport assessment was submitted. The proposal was considered to be acceptable in terms of the impact on the public highway. Financial contributions towards the upgrade of the highway, including the junction of Gooshays Drive and the A12, and improvements to the local bus service were secured through a S106 legal agreement. There is considered to be no material reason to consider further the highway implications of the proposed development.
- 6.6.4 Conditions 16, 17 and 18 of the outline planning permission are also relevant to consideration of the detailed highway and parking proposals. Condition 16 relates to parking provision and provides that the total number of parking spaces on the site shall not exceed 375 and shall ensure a minimum of 1 space per dwelling. The parking provision on the site has been designed so that this requirement is met. Staff therefore consider the proposal to be acceptable on highway grounds
- 6.6.5 In respect of cycle Storage, condition 17 of the outline planning permission requires the provision of cycle parking in accordance the standards set out in Annex 6 of the LDF i.e. one cycle space per flat and for 1 and 2 bed dwellings and two cycle spaces for 3 bed dwellings. The nature of the scheme is that cycle parking for dwellings can be provided for in curtilage and does not require separate provision to be made. Across the site provision is made for 435 cycle storage spaces, at a ratio of 1 space per apartment and 2 per dwelling. This is acceptable and accords with the requirements of condition 17.
- 6.6.6 Condition 18 requires that provision shall be made within the development for a minimum of 24 spaces to be allocated for Blue Badge users. This requirement is met.

- 6.6.7 Details of refuse storage and collection arrangements have been submitted with the application. Each dwelling will have its own refuse storage area, with communal areas for flats. A hard, level external storage space will be provided in the rear garden of dwellings to accommodate both recycling and general refuse, as well as a home composting unit in the garden. Dedicated, non-freestanding bins will be fitted in a kitchen cupboard of each home for the storage of recyclable waste, each with a capacity of at least 30 litres. There will be refuse storage areas across the site from where the refuse will be collected. Streetcare have been consulted on the refuse collection arrangements and raised no material objections. The proposal is considered to be acceptable in this respect and also to satisfy the requirements of condition 32 of the outline planning permission.
- 6.6.8 Issues relating to the manner of construction, such as wheelwashing, construction methodology and site waste management are all subject of conditions forming part of the outline planning permission and do not need to be re-imposed or considered further at this stage.
- 6.6.9 In summary, the proposal is considered to be acceptable in terms of access arrangements, the road layout across the site, servicing and refuse collection arrangements and parking and cycling provision. The proposal is in accordance with the requirements of the outline planning permission in all these respects and is considered acceptable in terms of its highway implications.

## 6.7 **Impact on Amenity**

- 6.7.1 The impact of the proposed development on neighbouring residential amenity was considered when the outline planning permission was granted. The application site does not share a boundary with any existing residential property. The nearest dwellings to the application site are those located to the south side of Petersfield Avenue. There will be a front to front distance of around 38-40m between the respective front elevations, across the public highway. In view of these distances and the amount of existing landscaping to be retained along the south boundary of the site, it is considered that the proposed development would not be materially harmful to the amenity of occupiers of dwellings in Petersfield Avenue.
- 6.7.2 The Gooshays Drive boundary of the site is well separated from the nearest residential dwellings, the majority of which are set back behind the green opposite the application site. No material harm to residents located to the west of the site is therefore considered to occur.

## 6.8 **Community Impact**

- 6.8.1 Consideration was given to the impact of the proposed development on community infrastructure when outline planning permission for the development was granted. There was specific recognition of the particular role that redevelopment of the site, by releasing capital income to the

Council, would play in enabling significant redevelopment objectives in the area, as part of the Harold Hill Ambitions programme, to be progressed.

- 6.8.2 It was recognised that the development would be able to generate significant monies to the Council through a planning obligation, which would be used to fund local regeneration initiatives and that it was justified in this case for the Council to target Section 106 income towards the identified regeneration aims of the Harold Hill Ambitions project. To this end, when outline planning permission was granted it included a requirement to enter into a Section 106 agreement to achieve the improvement of local youth facilities, an improved library (planning permission for which has recently been granted), improvements to Central Park, the provision of new football pitches at Dagnam Park, new sports facilities at Broxhill (which are subject of a recent planning application), localised environmental improvements and the provision of improved employment training for local people.
- 6.8.3 It is considered that issues relating to community infrastructure implications were fully considered at the time the outline planning permission was granted and the nature of the contributions proposed at that time specifically justified in the light of the wider objectives of the Harold Hill Ambitions programme.

## **7. Conclusion**

- 7.1 This application comprises the reserved matters submission following the grant of outline planning permission for residential development on the site for up to 242 dwellings under application reference P1451.10. The principle of the development has therefore already been accepted by virtue of the grant of outline planning permission.
- 7.2 Staff are satisfied that this reserved matters submission is compliant in all material respects with the terms of the outline planning permission, including the parameters plans forming part of the outline approval and the relevant planning conditions. There is some degree of deviation from the approved plans in terms of the location of a car park, overall heights and open space provision. Staff have considered the impacts of this and judge that in the context of the outline permission overall these do not constitute significant changes and that these fall within the scope of condition 7 of the outline planning permission.
- 7.3 The detailed proposals for this site are considered to be acceptable. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide a suitably high quality living environment. The design, scale, bulk and massing of the proposed buildings is considered to be acceptable. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping, sustainability and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues. Wider community implications and matters to form part of a legal agreement

were assessed under the outline approval and need not be considered further here. It is acknowledged however that matters relating to flood risk and surface water drainage have not yet been resolved and are subject to ongoing consultation with the Environment Agency.

- 7.4 Subject to no objection to the proposals being raised by the Environment Agency, the application is considered to be acceptable in all material respects and it is therefore recommended that the reserved matters application be approved.

## IMPLICATIONS AND RISKS

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

None arising from this application.

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

None arising from this application.

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

None arising from this application.

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

The disposal of this site for redevelopment is part of the Council's wider objective to regenerate this part of Harold Hill, through the Harold Hill Ambitions programme. This will involve the provision of a wide range of new social, leisure and economic opportunities to meet the needs of local people.

The detailed proposals are judged against the Council's planning policies, which reflect issues of equality and diversity. The development includes a mix of unit types, which will contribute to the provision of mixed and balanced communities and meet the needs of a range of individuals. The units will be designed to standards that meet the wide ranging needs of the community, including lifetime homes and wheelchair accessible housing.

## BACKGROUND PAPERS

Application form, supporting statements and plans

Outline Planning Permission Reference P1451.10

# REPORT

## REGULATORY SERVICES COMMITTEE

14 November 2013

Subject Heading:

**P0203.13 – The Albany College,  
Broadstone Road**

**New build for a children’s day nursery,  
new access road. Self-contained  
secure outside area with canopy  
(Application received 22nd February  
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	[ ]
Opportunities for all through economic, social and cultural activity	[ ]
Value and enhancing the lives of our residents	[x]
High customer satisfaction and a stable council tax	[ ]

**SUMMARY**

The application is sought for full planning permission for a new build for a children’s day nursery, new access road and secure outside play area with canopy.

The proposed vehicular access to the nursery comprises Council owned land which is the grass verge on a piece of land adjoining the eastern side corner of Hartland Road and Broadstone Road, which runs to the north of adjoining properties 36-42 Hartland Road, and to the south of property No.55 Broadstone Road. The planning merits of the application are considered separately from the land interest.

The application has been considered on its own merits. The application is considered to be acceptable in all material respects and, it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That planning permission be granted 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 as detailed on page one of the decision notice.

Reason:-

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

### 3. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:30 on Mondays to Fridays, 09:00 and 16:00 Saturdays, and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

#### 4. Restriction of use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be D1(a) use for a 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.

#### 5. Materials

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

Reason:-

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

#### 6. Screen fencing

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

Reason:-

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

#### 7. Community safety

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

used until written confirmation of compliance with agreed details has been submitted to and approved in writing by the LPA.

Reason:-

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

#### 8. Hours of construction

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

Reason:-

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

#### 9. Land contamination

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

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

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

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



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

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

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

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

Reason:-

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

#### 10. Construction methodology

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

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

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

Reason:-

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

11. No additional flank windows

Other than those shown in the approved plans, no windows or other opening shall be formed in the flank walls of the building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

12. Alterations to Public Highway

The proposed alterations to the Public Highway shall be submitted to and approved in detail by the Council prior to the commencement of the development.

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

13. Licence to alter Public Highway

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

Reason:-

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

14. Levels

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

Reason:-

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

#### 15. 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.

#### 16. Storage of refuse

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been submitted in writing 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 Development Control Policies Development Plan Document Policy DC61.

#### 17. 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.

#### 18. Soil contamination

Prior to the commencement of any works pursuant to this permission the developer shall submit confirmation of details for the written approval of the Local Planning Authority: 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 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 Policy DC53 of the LDF Development Control Policies Development Plan Document.

#### 19. Number of children

The maximum number of children accommodated within the premises hereby approved shall not exceed 45 at any one time, without 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.

#### 20. Parking provision

Before the building hereby permitted is first occupied, the area set aside for car parking and drop-off/pick-up shall be laid out in accordance with hereby approved plan; P-05 Revision A, 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.

#### 21. External lighting

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

Reason:-

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

## 22. 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.

## 23. Screen

Before any of the buildings hereby permitted is first occupied, a screen 2 metres (6ft. 7ins.) high shall be erected on the top of the external staircase facing west in accordance with hereby approved plan; P-06 Revision A, and shall be permanently retained and maintained thereafter.

Reason:-

To protect the visual amenities of the development and prevent undue overlooking of adjoining property No.42 Hartland Road, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 24. Access

Prior to any of the works in connection with the construction of the building hereby approved is commenced on site, the access road to the nursery hereby permitted shall be fully completed and shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the passage of vehicles visiting the site and shall not be used for any other purpose.

Reason: -To ensure that suitable access is made permanently available in connection with the nursery and to the standards adopted by the Local Planning Authority in the interest of highway safety.

## **INFORMATIVES**

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

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Street Care, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. In aiming to satisfy condition 7 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
4. 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 in satisfying condition 18, that a watching brief is implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,420. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

## Report Detail

### **1. Site Description**

- 1.1 The application site at present it is an open grassed space which is situated within the south-west of the Albany College grounds. The site is enclosed by a 1.8 metre high green hooped top metal fence to the east of the site, to the south of the site is enclosed by a 1.8 metre metal palisade fence with landscaping, and to the rear of No.55 Broadstone road a timber fence also measuring at 1.8 metres.
- 1.2 To the south of the boundary of the application site is Harold Lodge Park, to the eastern side of the boundary contains the school buildings within Albany College's grounds, and to the west outside the boundary surrounds a predominantly residential area consisting of mainly semi-detached 2 storey houses with rear gardens. The ground level is relatively flat and adjoining the residential properties of No.42 Hartland Road and No.55 Broadstone Road. The site it not within a designated conservation area nor is the property listed.

### **2. Description of Proposal**

- 2.1 The application seeks full planning permission for a new building to provide a children's day nursery, new access road and secure outside play area with canopy. It is proposed that the nursery would accommodate up to 45 children ages from 6 months old up to 5 year olds, 6 full time staff and 2 part time staff. The opening times would be between 08.00 to 18.30 Monday to Fridays, and 09.00 to 16.00 on Saturdays (for cleaning purposes) with no opening on Sundays and Bank holidays.
- 2.2 The proposed building would measure at 6 metres in height to the rear elevation sloping down to 5.5 metres at the front, 9 metres depth and 18 metres wide, with a front projection at the same height, 2.8 metres deep, and 10 metres wide with a front canopy. There would also be a rear external staircase (south), an open canopy adjoining the eastern flank which would measure at 3.5 metres height, 9 metres depth and 3.9 metres width and an external canopy stand alone at approximately 5 metres in height within the outdoor play area.
- 2.3 The building would have a flat 'green roof system' with 6 rooflights. The main external materials for the walls would be in a textured rendered finish.
- 2.4 The proposed tarmac car park would contain 7 vehicular parking spaces for staff, 6 parent drop-off parking spaces, 1 disabled parking spaces and a recycling area with proposed landscaped surround.

2.5 There is an existing pedestrian footpath with a grassed verge that leads to and from the corner of Hartland Road and Broadstone Road and the college buildings itself, it is proposed to be used as a tarmac vehicular access, measuring 26 metres in length and 7.5 metres wide. This land is not in the ownership of the applicant. Permission from the landowner (the Council) would separately be required in order to implement the proposal, should planning permission be granted.

### **3. Relevant History**

3.1 No relevant planning history on this particular site. However there is an extensive history in regards to the school site itself, most notably the tennis court planning application which is the closest Albany school development to the application site.

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

4.1 96 neighbouring occupiers were notified of the proposal by individual letter. The following paragraphs are based on a combination of the original consultation and the re-consultation replies following the revised plans. Original consultation letters went out 19<sup>th</sup> September 2013 and the re-consultation date 15<sup>th</sup> October 2013.

4.2 18 different letters of objections have been received to date, in regards to;

- Lack of car parking spaces within the area and would be worse as a result of the nursery
- Noise and disturbance from the people going into the nursery and the higher volume of traffic coming in and out of the proposed site
- Loss of privacy from people entering and leaving the site
- Light spillage from the vehicles and nursery building
- Harmful design and appearance in that the building would not be in-keeping with the residential properties on the site
- Anti-social behaviour in regards to the increase of people using the proposed access to the Albany College and the nursery.
- Difficulties for emergency vehicles to enter the site.

The above points are addressed in the paragraphs below in this report.

- Issues in regards to previous planning applications within the school grounds

The above points are considered to not be material to determining this particular planning application.



- 4.3 Early Years Organisation Team – As a London Borough, Havering is duty-bound to deliver Section 31 of the Childcare Act 2006 and the Childcare Sufficiency Assessment (CSA) highlights areas of need within the Borough. The CSA 2011 supports the evidence that there is a fundamental shortage of childcare provision. There is, therefore, a real need to increase the number of childcare places within the area.
- 4.4 Highways – No objections to the revised parking layout and access subject to suitable highway conditions.
- 4.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.
- 4.6 London Fire and Emergency Planning authority – The brigade is satisfied with the revised proposals.
- 4.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report and A Phase III (Risk Management Strategy).
- 4.8 Strategic Property Services – The proposed access into the new nursery is across the Council's private land (it is not adopted highway or adopted pedestrian footpath). The land does not belong to the Albany School or the applicant. At this stage it cannot be presumed by the applicant or by the planning process that any permission to cross the Council's private land would be forthcoming.
- 4.9 Environmental Protection – No objection subject to a condition to ensure that any soil imported to site is free from significant contamination and pose no risk to human health, property, ecological system and controlled water.
- 4.10 London Fire Brigade Water Team – Based on the revised plans, we are happy for the works to go ahead as planned.

## **5. Relevant Policies**

- 5.1 Policies CP8 (Community Facilities), CP17 (Design), DC26 (Location of community facilities), DC55 (Noise), DC61 (Urban Design), DC62 (Access) and DC63 (Delivering safer places) of the LDF Core Strategy and Development Control Policies Development Plan Document. In addition, Policy 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 There is no specific definition given in planning legislation for the term "crèche", "Nursery" or "pre-school playgroup" however the following is a broad description which would cover the uses:

"A place where a number of children under 5 years of age are brought together for part or all of a working day on a regular basis and where provision is made for their care, recreation and in some cases meals"

In planning law the type of activities allowed in a building are grouped together in "use classes". Day nurseries and crèches fall within a use class group called D1 – "Non-residential institutions".

6.2 As outlined in the Childcare Act 2006 Section 13 states it is a statutory duty of London Borough of Havering Authority to undertake a Childcare Sufficiency Assessment to ensure there is sufficient childcare provision available for families in their area.

6.3 The issues arising from this application are the principle of the D1 use, the quality of the design of the building and site layout and impact on the streetscene, the impact on residential amenity and parking and highway considerations.

6.4 Due to concerns arising from the initial proposal first submitted with the application, the applicant has submitted revised plans. A summary of the main changes are as follows;

- The play area which was initially adjoining the eastern side of neighbouring property No.42 and the building to the east of the play area have been switched, with the building now adjacent to No.42 and the play area to the other side.
- Revised orientation of the building to be in line with the residential properties to the south of Hartland road.
- Removal of the proposed pedestrian access and gate, immediately to the south side boundary of No.55 has been removed and to be replaced with a proposed landscaping screen.

Several alterations to the proposed layout of the vehicular parking and which now sees the majority of the parking moved towards the eastern border of the application site and space for fire appliances to manoeuvre

6.5 The Council owned land adjoining the eastern side corner of Hartland Road and Broadstone Road currently consists of a grassed verge and a footpath towards Albany college, this is proposed to be altered to create the main access to the nursery. The applicant has submitted a notice under the section

66 within the Town and Country planning act 1990 to the councils Strategic Property Services.

## **7. Principle of Development**

- 7.1 The site does not fall within any pertinent policy areas as defined by the Havering LDF. The current site does not appear to serve any particular purpose other than providing open land within the setting of the school and this suburban residential area. Subject to satisfactory design and layout (considered below) the loss of open space is not considered to be contrary to any planning policies. A nursery use is considered to be a suitable community use on a site with an existing educational land use. Staff consider the proposal to be acceptable in principle, providing a much needed community facility.
- 7.2 At the heart of the NPPF is a presumption in favour of sustainable development. The presumption is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.
- 7.3 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.
- 7.4 It is considered relevant that there is a requirement for additional nursery places within the borough. 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 currently covered by child minders. An increase in the number of children within this nursery would contribute, albeit in a small way, to providing for the significant shortfall of places.
- 7.5 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.
- 7.6 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

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

## **8. Design, scale and impact on streetscene**

8.1 Council policy DC61 and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

8.2 The application site measures at 1420 square metres and the proposed nursery would have a footprint of 236 square metres, with the majority of the remaining space taken up by vehicular parking, circulation space and play space.

8.3 The proposed building and associated parking would be located within the Albany College grounds and would not be within wider public views from Hartland Road and Broadstone Road, however it would be seen from the eastern-end corner of between these roads. The proposed building itself would be smaller in height than the residential properties and is considered that it would not be intrusive to the local area.

8.4 The revised layout proposes the building to be within the adjoining building line. The design itself differs from the surrounding houses, in that it would have a flat roof and coloured render finish. This design is more a result of its function and given its position within the school grounds it would not appear particularly out of place in the streetscene.

8.5 Final details of external materials, boundary treatments, enclosures and landscaping would be needed to be finalised and to be conditioned to be submitted and approved by the local Planning Authority.

8.6 With the above taken into consideration, the proposals would not detract from the character of the local area and would therefore be acceptable in this instance. It is therefore considered that the development would safeguard and preserve the character and appearance of the surrounding area. The proposal is therefore acceptable in accordance with Policy DC61 and advice contained within the NPPF.

## **9. Impact on amenity**

- 9.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties. It is considered that the change of use would not result in a significant loss of amenity to neighbouring occupiers.
- 9.2 As mentioned above, the site would be adjoining the residential properties of No.42 Hartland Road and No.55 Broadstone Road, these are the neighbours that would be the most affected by the proposal.
- 9.3 The building would be positioned at least 5.5 metres from the boundary and 8.2 metres away from the building of the closest residential house at No.42. The proposed siting of the building would comply with the general principles set out within the Havering Residential Extensions SPD of avoiding breaking any 45 degree lines taken from the side, front or rear windows serving a habitable room of the adjoining house. Such layout would not result in undue loss of sunlight or daylight to the affected habitable rooms of the adjoining property. Due to position of windows, provision of screen to external staircase platform and distance to neighbours (over 20 metres to boundary of no.55) there is considered to be no adverse impact in terms of overlooking.
- 9.4 The proposed nursery would result introduce a new source of noise and general disturbance to the area and adjoining neighbouring properties, mainly from noise being carried from the play area and vehicular activity. The minimum distance between the adjoining residential property No.42; to the nursery building would be 8 metres, to the car parking area would be 15 metres, to the play area would be 28 metres. The minimum distance between the adjoining residential property No.55; to the nursery building would be 21 metres, to the car parking area would be 18 metres, to the play area would be 35 metres. Given the separation distance between the subject building and these dwellings (as mentioned above), and the day time opening hours, staff do not consider any noise to be of such a nature as to warrant a refusal. However it is acknowledged that the new access would introduce a new noise source as a result of vehicle movements to the front, side and rear of the properties.
- 9.5 Amendments also show a revised location of the main play area away from the residential properties and facing towards to Albany School grounds, the distance of the play area at the nearest residential property would be approximately 25 metres apart.
- 9.6 Neighbour's concerns with regards to noise levels have been noted and care should be taken to ensure the levels of noise and disturbance to occupiers of nearby properties are not significantly greater than that which could be generated by the existing use of the field, which is part of the school grounds.

On this basis, staff consider the noise generated by outdoor play would not be to such a degree as to warrant a refusal.

- 9.7 Revised plans removed the proposed additional pedestrian walkway immediately to the southern flank boundary of No.55 and instead replaced this with a landscape screen which would be to the full extent of the boundary which would contribute to prevent potential noise and disturbance.
- 9.8 Opening hours for the will be 8.00 to 18.30 hours Monday to Friday of 08:00 and 18:30 on Mondays to Fridays, 09:00 and 16:00 Saturdays (Cleaning purposes only), and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority. It is considered that the opening hours should not result in a significant loss of amenity to neighbouring occupiers.
- 9.9 The permission would contain a condition that use hereby shall be a day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 to ensure that no other use or other operations other than Albany Nursery are allowed to use it in the future.
- 9.10 A condition would also be added to ensure that the maximum number of children accommodated within the premises does not exceed 45 at any one time.
- 9.11 There is a first floor side facing window facing west towards the front garden of No.42, however there would not be any proposed side facing windows that would directly overlook the windows of adjoining neighbour. The proposed rear external staircase would have a 1.8 metre high solid screening panel which would prevent directly overlooking into the neighbour's rear garden area. As such, the proposal would not create harm in overlooking and loss of privacy. Furthermore, a condition would be added to the permission to prevent any additional flank windows on the west flank elevation to avoid potential overlooking to No.42.
- 9.12 The distance of the property from the nearest residents and the number of children proposed are considered sufficient to accommodate the nursery without a significant impact on neighbour's amenities. It is therefore considered on balance, that the relationship of the application site with adjoining and nearby residential properties is not one for concern.

## **10. Highway/parking issues**

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

- 10.2 As mentioned above, the proposed car park provision would contain 7 car parking spaces for staff and 6 parking drop off points and disabled car parking space. There would also be a bicycle rack located to the west side of the building and a turning area for fire appliances adjacent to the access road.
- 10.3 The proposed parking provision complies with the Council's requirement as set out in Appendix 5 which is based on 1 space per member of staff, and no objections are raised by the Highway Authority.
- 10.4 Although the peak time early morning and late afternoon traffic caused by parents dropping off children would cause an increase in activity in this part Hartland Road and Broadstone Road, it is considered that this would not be of such magnitude as to warrant refusal of permission.
- 10.5 Residents raised concerns that the proposed access would remove 3 existing on-street parking spaces. It is considered that this would not materially be detrimental to the supply of parking within this area. The majority of the households on this road have existing front off-street parking which many of the houses can accommodate 2-3 vehicular parking spaces. During officer site visits during the daytime houses on this road, it is observed that there were available parking spaces on-street.
- 10.6 The parking arrangements proposed are acceptable and it is therefore considered that an adverse impact to highway safety would not occur at this point. It is considered that there would not be detrimental highway or parking implications as a result of the proposed use.

## **11. Mayoral CIL implications**

- 11.1 The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL), charged at £20 per square metre. The GIA of the proposed building would be 171 square, as such the CIL liability contributions for this proposal would be £3420.

## **12. Conclusion**

- 12.1 In conclusion, it is considered that, given the scale of the property and the size of day nursery proposed, the proposals could be accommodated within this site. Staff consider that the increase in activity in the early mornings and early evening would not significantly adversely affect neighbouring amenity.
- 12.2 The design and layout of the proposal site would be acceptable and reasonably located to avoid adverse impact to neighbours amenities. It is considered that the use has an acceptable relationship with adjoining properties and is sufficiently separated from neighbours.
- 12.3 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, the proposed nursery is considered to be acceptable in principle. Staff are of the view that the proposal would not adversely affect the streetscene or residential amenity. It is considered that the proposal would not create any highway or parking issues. It is recommended that planning permission is granted, subject to conditions.

## IMPLICATIONS AND RISKS

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

None directly arising from this application.

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

The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

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

None.

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

The proposal includes a new disabled car parking space and DDA compliant space within the building itself.

## BACKGROUND PAPERS

The plan, application form and supporting documents were received on 22<sup>nd</sup> February 2013.



# REGULATORY SERVICES COMMITTEE

14 November 2013

## REPORT

**Subject Heading:**

Proposed variation of Section 106 agreement dated 17<sup>th</sup> October 2013 in connection with planning permission P0361.13 (Briar Site 2A) Garage/Parking Court Adjacent to 9A Myrtle Road and Okehampton Road, Romford:

Demolition of garages and erection of two storey block of flats (4 x 1 bed) and pair of semi-detached houses (2 x 3 bed); creation of parking.

The development included an infrastructure tariff contribution of £36,000 to be paid in full prior to the commencement of the development.

The Deed of Variation would replace the site plan included in the Agreement, reflecting the actual land subject to the planning application, the extent of which was changed during the consideration of the application.

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulation Manager  
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01708 432685

**Policy context:**

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

**Financial summary:**

None

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

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

**SUMMARY**

The report relates to proposals for residential development for 6 residential units on land at the Briar Road estate in Romford. Resolution to grant planning permission was given by the Regulatory Services Committee on 22 August 2013, subject to conditions and a Section 106 legal agreement. The legal agreement was completed on 17<sup>th</sup> October 2013 (the original agreement). It has been brought to Staff's attention that the location plan forming part of the agreement was that originally submitted with the application and does not reflect changes made to the site red-line plan during the application. Planning permission has not been issued. In order to avoid any confusion in the future, it is considered that the S106 Agreement (the original agreement) be varied by the terms of a Deed of Variation of the original agreement to replace the site plan with a plan which reflects changes made to the site red-line plan during the application (the Site Plan). This will enable the planning permission to be issued.

Save for the variation set out above and any necessary consequential amendments to the original agreement all recitals, terms, covenants and obligations in the said original agreement shall remain unchanged.

**RECOMMENDATIONS**

It is recommended that the variation of the Section 106 agreement dated 17<sup>th</sup> October 2013 pursuant to planning application reference number P0361.13 by Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), be approved in the following terms:

1. Add a Site Plan, replacing the plan in the original agreement

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

- (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

- 1.1 The site subject to the request for a deed of variation of the original agreement site comprises a garage and parking court located on the west side of Okehampton Road, to the north of its junction with Myrtle Road. The site currently includes two separate garage blocks and some areas of grass verge.
- 1.2 On 22 August, this Committee resolved to grant planning permission for development of the site comprising the construction of 4 no. one bed flats and 2 no. three bed houses, subject to a number of planning conditions, as well as a Section 106 legal agreement. The legal agreement was signed and dated 17<sup>th</sup> October 2013. The legal agreement included a clause to secure a financial contribution of £36,000 for infrastructure, payable on commencement of the development.
- 1.3 Subsequent to the completion of the original agreement, it was brought to the Council's attention that the site plan used in the legal agreement was that originally submitted with the application and did not reflect subsequent changes made during the consideration of the application. The planning permission has not been issued.
- 1.4 It is considered that, in order to avoid any confusion in the future, that the plan in the original legal agreement should be superseded by the site plan as amended, the Site Plan. This would enable planning permission to be issued. This would be secured through a deed of variation to the original agreement.
- 2. Conclusion
  - 2.1 Staff consider that the proposed variation of the original agreement is acceptable and in line with adopted planning policy. It is therefore recommended that a variation be approved.

## IMPLICATIONS AND RISKS

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

No direct financial implications or risks.

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

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

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

The proposal will increase the range of housing stock within the Borough. It will also enable the regeneration of the Briar Road Estate, which brings with it overall community benefits.

**BACKGROUND PAPERS**

1. Report to Regulatory Services Committee of 22<sup>nd</sup> August 2013 pursuant to planning reference P0361.13
2. Site Plan

# REGULATORY SERVICES COMMITTEE

14 November 2013

# REPORT

**Subject Heading:**

Alleged breach of planning control at,  
Rainham Road Service Station ,  
14,Rainham Road, Rainham

**Report Author and contact details:**

Simon Thelwell, Projects and Regulation  
Manager  
01708 432685  
Simon.thelwell@havering.gov.uk

**Policy context:**

Local Development Framework

**Financial summary:**

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

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

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

## SUMMARY

This report concerns alleged breaches of planning control at Rainham Road Service Station, 14, Rainham Road, Rainham (the Land).

In January 2006 a planning permission was granted on appeal for a change of use of a petrol filling station to a hand car wash and car sales area. A number of conditions were attached to the planning permission. The main condition imposed by the Planning Inspectorate referred to the washing or cleaning of vehicles which shall only take place within the wash bay approved and no other part of the site. Some of the other conditions required details of schemes to be submitted and approved in writing by the Council. The schemes required details of materials and details of powered tools,(for the washing and cleaning of vehicles), staff and customer parking, refuse storage and drainage.

In April 2007 further complaints were received by the Planning Enforcement Service, in relation to the washing of vehicles outside the wash bay area and that no conditions subject of the appeal were discharged.

Further investigations were carried out by staff, which led to an additional planning application being submitted which was subsequently refused, whereupon a further Enforcement Notice was served in relation to the washing of vehicles outside the wash bay and failure to submit schemes subject of the previous appeal.

In June 2009 both the planning application and the enforcement notice were subject of appeal to the Planning Inspectorate. The enforcement notice was upheld and varied whilst the Planning application was allowed with Conditions which were similar to those granted by the Planning Inspectorate in 2006.

In April 2010 a scheme in relation to the condition imposed by the Planning Inspectorate in relation to Parking spaces was discharged in part. This identified on plan the area set aside as acceptable for the parking of customer and staff vehicles. In relation to other conditions there was insufficient detail and were therefore not discharged.

In February 2010 further complaints were received that a container type cabin had been placed in the designated parking area and was being used for office/storage.

Staff have visited the site and noted that the washing and valeting of vehicles is still taking place in the open air and not in the wash bay. There is a container type cabin building being used as office/storage with an attached outbuilding being used as a waiting room. In addition there is a large canvas type canopy held in place by a metal structure erected on the site which is in use as a shelter for vehicles being valeted after their initial wash. All of these additions require planning permission and to date there have been no further applications.

Staff have discussed the breaches of planning control with both the operator and owner of the site, including writing to the owner, who has engaged a planning agent . However the breaches continue.

At this juncture there does not seem to be a quick way forward and further negotiations and possible further applications may not fully overcome the harm therefore Authority is sought for Enforcement Notices to be issued and served.

## RECOMMENDATIONS

In relation to the unauthorised development:

That Members consider it expedient that Enforcement Notices be issued and served to require within three months:

1. Remove the container, outbuilding and the canopy and structure holding in place the said canopy from the Land.
2. Remove from the Land all waste materials and rubble resulting from compliance with (1) above.

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

In relation to the breach of conditions:

That Members consider it expedient that Enforcement Notices be issued and served to require within three months:

1. Cease the washing and cleaning of vehicles except in the wash bay and former garage forecourt building approved by planning permission (P0758.08 granted on appeal and detailed as condition 2 in the Planning Inspectorate Decision dated 3 August 2009.
2. Other than non-powered portable hand tools, cease the use of all other equipment used for the washing and cleaning of vehicles until a scheme has been submitted and approved in writing by the local authority and the cleaning and washing of vehicles shall be in full accordance with the approved scheme. ( Condition 4, P0758.08)
3. Cease the use of the building until parking spaces for customers and staff are

marked out on the site in accordance with the approved scheme (Condition 6, P0758.08) submitted and approved on 31 March 2010 and shown on plan GN/01 and the approved spaces shall be retained thereafter for the parking of vehicles and for no other use.

4. Cease the use for storage of equipment and materials in the customer and staff parking areas (approved by Condition 6, P0758.08 on 31 March 2010 and shown on plan GN/01)
  
5. Remove all car washing, cleaning equipment and all other storage including chairs and return the area ( as shown on GN/01)to car parking only. (Condition 6, P0758.08)

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.

That power to issue enforcement notice(s) against the owners/occupiers of the property including 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.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The site at 14 Rainham Road, Rainham is a former petrol filling station converted to a car wash with a wash bay. It is adjacent to residential properties.

### 2. **Relevant Planning History**

- 2.1 P1129.91 Installation of jet wash –refused

A0017.94 Forecourt shop fascia and canopy fascia and pole sign, pump spreader boxes – approved.

P1418.94 New jet wash facility – refused.

P0971.97 Part demolition of existing forecourt shop, construct, new enlarged shop and installation of jet wash. Removal of two existing pumps refused appeal decision.

P0179.98 Part demolition of existing forecourt shop construction, new enlarged



shop and installation of jet wash and clear roof over proposed jet wash bay –approved.

P0409.02 Extension to shop, extension to provide store and installation of car wash- part approved, car wash element refused.

P1106.03 Construction of covered car wash bay, new drainage alterations to boundary treatment works to forecourt –refused.

P1780.03 Vehicle wash bay and shop extension –refused.

P1212.05 Change of use to hand car wash area and car sales –refused  
Appeal allowed with conditions.

P1704.05 Change of use to car sales site for second hand cars – refused.

P0758.08 Change of use of former garage forecourt shop to form part of adjoining car wash unit - refused .  
Appeal allowed with conditions.

Q0023.10 Discharge of Conditions ( scheme re tools – not discharged)  
( scheme re Parking – part discharged )

### 3. Enforcement History

3.1 **24 October 2002:** Planning Enforcement Notice, “ without planning permission change of use of the said land from a petrol filling station to a mixed use of a petrol filling station and washing of vehicles together with the erection of temporary structures in connection with vehicle was use”

**29 May 2003:** Appeal dismissed.

**19 April 2005:** Prosecuted for breach of notice- guilty – fine £10,000 .  
costs £3252.50.

**7 November 2008:** Planning Enforcement Notice, Breaches of Conditions imposed by the Planning Inspectorate 26 January 2006 under planning reference P 1212.05.

- (i) The washing of vehicles other than within the wash bay.
  - (ii) Use of powered portable hand tools without providing details relating to noise.
  - (iii) Use of site for customer and staff parking without providing details
  - (iv) Use of site without discharging drainage condition.
  - (v) Developing site without providing details of materials.
- Appeal dismissed notice varied.

#### **4.Planning Contravention**

Development/Use:-

4.1 The alleged breaches of planning control in relation to unauthorised development and use by

- (i) the stationing of a container for the purposes of office/storage,
- (ii) the stationing of an outbuilding ( adjacent to the container) for the purposes of storage/waiting room, and
- (iii) the erection of a canopy with supporting structure for the purposes of shelter for the cleaning and valeting of vehicles

Conditions:

4.2 It is also alleged that there are further breaches, on site, in relation to the breach of conditions, in as much that conditions 2,4 and 6 of planning permission reference P0758.08 allowed on appeal and detailed in the Planning Inspectorate Decision dated 3 August 2009 have not been complied with.

4.3 For ease of reference I have set out the approved conditions pursuant to planning permission reference P0758.08.

**4.4 Condition 2:**

“The washing and cleaning of vehicles shall not take place anywhere on the site except in the wash bay and former garage forecourt building hereby approved”.

**4.5 Condition 4:**

“Other than non-powered portable hand tools, no equipment shall be used for the washing or cleaning of vehicles except in full accordance with a scheme to be first submitted to and approved in writing by the local planning authority”.

**4.6 Condition 6:**

“The building shall not be used for the purposes hereby permitted until parking spaces for both customers and staff have been marked out in the site in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The approved spaces shall be permanently retained for the parking vehicles thereafter and for no other purpose”.

#### **5 Staff Comments**

5.1 The issue is whether it is expedient for the Council to serve Planning Enforcement Notices having regard to the provisions of the development plan and any other material considerations.

### Development/Use:

- 5.2 Planning Enforcement Staff have visited the site and have noted that there is a large blue shipping type container in use as office/storage. There is a yellow sign above the door bearing the legend "Reception". Adjacent and partially attached is an outbuilding (white in colour) consisting of plastic material with a plastic roof. It is some 2.5m in height with windows. This building has plastic, white garden chairs inside and has storage racks attached which contain equipment for use of car washing. It appears to be in use for storage of equipment and as a customer waiting room. In front of this there is a metal structure some 3m in height with a canvas type canopy attached, which resembles a giant umbrella, where underneath vehicles are valeted after initial washing. There are also plastic garden chairs outside.
- 5.3 These unauthorised developments are located in the north east corner of the site and are close to residential properties in particular the boundary of 1 Victory Road.
- 5.4 Staff are of the opinion that the additional items brought on to the site are visually harmful and intrusive by their design, colour, location and unsightly appearance. The use of the container as an office/ storage and the adjacent outbuilding for the purpose of storage/waiting room causes additional noise and disturbance to residents. As does the use of the canopy structure under which the workers on the site vacuum and wipe over vehicles previously washed.
- 5.5 The relevant planning policies of the Local Development Framework, Core Strategy and Development Control Policies DPD, DC 61(urban design)
- 5.6 DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing loss of sunlight/daylight overshadowing or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise, impact, hours of operation, vibration and fumes between and within developments.
- 5.7 Both the owner and the leaseholder have been advised of the need to remove, the container, the adjacent outbuilding and the structure with the attached canopy. All of which remain unauthorised and require planning permission.  
If a planning application were to be submitted staff do not consider that further conditions can overcome the adverse effects of the breaches on the amenity of neighbouring occupiers..

### Conditions:

- 5.8 Staff have witnessed breaches of Conditions 2, 4 and 6 of Planning Permission P0758.08 allowed on appeal and detailed in Planning Inspectorate Decision, dated 3 August 2009.

- 5.8. Condition 2: The washing and cleaning of vehicles is taking place in other parts of the site and not in the wash bay. In particular in the north east corner of the site where vacuuming, valeting and the finishing of vehicles is taking place. The workers appear to be operating a production line process whereby the finishing service is completed in this part of the site.
- 5.9 Staff are of the opinion that the washing and cleaning of vehicles other than in the wash bay causes unacceptable noise and disturbance to residents. It should also be noted that when the site was visited there was a considerable water in areas other than the wash bay and could cause water spillage to residential properties.
- 5.9 Condition 4: Details of other than non-powered hand tools were submitted and considered. However there were insufficient details supplied for the condition to be discharged. This decision was communicated, to the applicant, by a decision notice issued on 21 April 2010. No further details have been submitted.
- 5.10 Referring to the second requirement of Condition 4, industrial type vacuum cleaners are being operated and used in the north east corner of the site, and are mainly operated under the unauthorised canopy.
- 5.11 Staff are of the view that the powered equipment used in open areas of the site, causes unacceptable noise and vibration to residents.
- 5.12 Condition 6: Details of parking spaces for customers and staff have been submitted to the Council in plan form number GN01. This shows laid out parking areas for visitors to the west of the site and for staff and visitors to the north east of the site. On 31 March 2010 the Council issued a decision notice part discharging this condition, accepted the plan GN/01 as the approved parking area.
- 5.13 There is unauthorised development and the storage of equipment including the placing of chairs (previously mentioned in this report) within the north east parking area.
- 5.14 Staff are of the view that the parking area set out in plan GN/01 are not marked out or permanently retained as required for the purpose of parking.
- 5.15 The relevant planning policies of the Local Development Framework, Core Strategy and Development Control Policies DPD, DC33 (car parking) DC55 (noise) and DC 61 (urban design)
- 5.16 DC33 states that there should be no adverse impact on the amenity of residents and the interests of the users of adjacent premises with regard to car parking.
- 5.17 DC 55 states that planning permission will not be granted if it will result in

exposure or vibrations above acceptable levels.

5.18 DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing loss of sunlight/daylight overshadowing or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

5.19 Both the owner and leaseholder have been advised of the need to comply with the Conditions.

5.20 The planning agent, acting for the owner, is considering whether or not to submit a planning application for a building which would fully enclose the car wash operation. However at this stage this is not a firm proposal and there is no guarantee that such an application should one be submitted would be approved as each application must be considered on its own merits.

5.21 In conclusion, Staff are firmly of the opinion that the siting of the container, outbuilding and canopy with structure supporting the canopy are unacceptable in planning terms. Further that the planning conditions attached to the planning permission reference P0758.08 granted on appeal are not being complied with. Staff therefore are seeking authorisation to serve Enforcement Notices.

## IMPLICATIONS AND RISKS

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

6.1 Enforcement action including defence of the Council's case in any appeal or prosecution may have financial implications.

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

7.1 Taking enforcement action, contesting appeals against the enforcement notice  
And if considered expedient, prosecution will require Legal Services resources.

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

8.1 No implications identified.

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

9.1 Section 149 of the Equalities Act 2010(EA) came into force on 1 April 2011

and 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 and Section (DDA) and Section 76(A) of the Sexual Discrimination Act 1975(SDA) so that due regard must be had by the decision maker to specified equalities issues. The old duties under the RRA, DDA and SDA remain in force,

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

Having considered the above duty and the Human Rights Act 1998 the Protection of amenity in public law outweighs any individual rights.

### **BACKGROUND PAPERS**

1. Planning appeal decision reference P1212.05, dated 26 January 2006
2. Enforcement Notice issued 7 November 2008
3. Planning appeal decision against the above Enforcement and Planning application reference P 0758.08 dated 3 August 2009.
4. Discharge of Condition Notice reference Q0023.10 with plan GN01(car parking area).
5. Site plan.



## Appeal Decision

Site visit made on 17 January 2006

by **John Murray LLB, Dip.Plan.Env, DMS, Solicitor**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail enquiries@planning-  
inspectorate.gsi.gov.uk



Date **26 JAN 2006**

**Appeal Ref: APP/B5480/A/05/1190754**  
**14 Rainham Road, Rainham, Essex, RM13 7RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mohinder Singh Choda against the decision of the Council of the London Borough of Havering.
- The application Ref P1212.05, dated 27 June 2005, was refused by notice dated 18 August 2005.
- The development proposed is described as the change of use to a hand car wash area and car sales area.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

### Procedural Matters

1. The appeal site is currently used as a petrol filling station, including a shop selling additional goods such as confectionery, drinks, newspapers and tobacco. In addition to changing the use of the site to a hand car wash area and car sales area, the proposal involves the erection of a building to form the car wash bay in the north-western corner of the site. I consider that the description of the development should be amended accordingly.

### Main Issues

2. The main issue is the effect of the proposal on neighbours' living conditions in terms of noise and disturbance.

### Planning Policy

3. The development plan includes the Havering Unitary Development Plan (UDP), adopted March 1993. Among other things, UDP Policy ENV1 seeks to ensure that development, including a change of use, is satisfactorily located and of a high standard of design and layout. It should be compatible with the character of the area, avoiding prejudice to the environment of the occupiers of adjacent property, having regard to various matters including height, bulk, layout, elevational treatment, and materials. It should also have no unreasonably adverse effects on the environment by reason of noise, vibration, fumes, smells, hours of operation, airborne or waterborne pollution or contamination and should not give rise to unacceptable levels of traffic noise and disturbance to nearby or adjoining occupiers. Policy TRN2 is aimed partly at preventing development that would generate levels of traffic, which would adversely affect roads in the locality and TRN18 requires adequate parking provision.

### Reasons

4. In objecting to the current proposal, the Council and local residents drew on their experience of an unauthorised car wash operation, which continued on the appeal site for some considerable

time. An enforcement notice was served in relation to the unauthorised change of use of the site to a mixed use of a petrol filling station and washing of vehicles, together with the erection of temporary structures in connection with the vehicle wash use.

5. Appeals were lodged against the enforcement notice (Ref APP/B5480/C/02/1103998) and the refusal to grant planning permission for the installation of a vehicle wash bay (Ref APP/B5480/A/02/1102960). In dismissing both appeals in 2003, the Inspector said "given the proximity of the appeal site to neighbouring residential properties, I consider it unsuitable for the provision of vehicle wash facilities." Whilst that conclusion might appear to weigh heavily against the current proposal, I consider that it was based on the details and circumstances of the particular scheme under consideration at the time and the current proposal is significantly different.
6. The previous, unauthorised car wash operation was undertaken in the north-eastern corner of the site, close to the site boundary. Whilst the Council had indicated a slightly different location on an aerial photograph, the parties confirmed at the site visit that, the unauthorised car wash bay was alongside the flank elevation of the dwelling at No 1 Victory Road, in which there is a side, kitchen window. The previous Inspector assessed the impact of the car wash from within that kitchen. With the side window open, he found the noise from vehicle wash activities intrusive and unpleasant and he also considered it intrusive in the rear garden.
7. The current proposal is to site the car wash bay in the north-western corner of the site, adjoining the existing shop and store building. It would therefore be further from the house at No 1 Victory Road than the unauthorised bay. The rear wall of the proposed bay would be adjacent to the end section of No 1's back garden, where there is a garage/store. On the north-western site boundary, the bay would be alongside a vehicle access and garages/stores to the rear of No 18 Rainham Road. In this location, I consider that the proposed car wash bay would have significantly less impact on neighbours' living conditions than the unauthorised operation. In addition, the proposal to cover the bay with a Perspex roof and the potential to impose conditions controlling noise levels and the use of power tools would further reduce noise and disturbance experienced within neighbouring dwellings and gardens.
8. It is notable that a jet wash facility, in substantially the same position as that now proposed, was included as part of an earlier scheme. That proposal was also the subject of an appeal (Ref T/APP/B5480/A/97/287497/P8), which was dismissed as a whole. However, the Inspector found that, given the potential to restrict the hours of use and to provide an angled screen to reduce spray, a jet wash facility in that north-western corner of the site would not cause unacceptable loss of amenity to adjoining residents, in the context of UDP Policy ENV1. Shortly after that appeal, the Council granted planning permission in 1998 for a jet wash bay, with a clear roof, in that location (Ref P0179.98), though this was never implemented.
9. The evidence is that the previous, unauthorised car wash involved a 'conveyor belt' system, with up to 2 or 3 cars being cleaned or prepared for washing at any one time by as many as 10 operatives. By contrast the proposed bay could not accommodate more than 1 vehicle at a time and a condition could ensure that vehicles are only cleaned within the bay. In these circumstances, the number of people working in the car wash is likely to be limited and the associated level of activity, noise and disturbance reduced. For the same reasons, the numbers of vehicles visiting the car facility are likely to be less than before.
10. The appellant provides evidence of vehicle movements associated with the current lawful use for the months of June 2005 and June 2004, as well as projected vehicle movements generated by the proposal and this is the best evidence available to me. Whilst neighbours indicate that vehicles visiting the unauthorised car wash frequently queued onto Rainham Road, this was



when the 'conveyor belt' system operated, in conjunction with the petrol filling station use. The Council and neighbours also contend that, in view of the appellant's evidence that the petrol station use is no longer viable, it is reasonable to assume that the appellant will want to attract more customers to the car wash and car sales business. However, I consider that the number of customers required to make the proposal viable is unlikely to be the same as that required for a petrol filling station and, on the evidence before me, I am satisfied that fewer vehicle movements and lesser activity would be generated by a car sales use in conjunction with the car wash proposal, than by a petrol filling station use, with or without a car wash.

11. Given the location, design and scale of the proposed car wash bay, the number of vehicles movements likely to be generated by the proposed uses and the scope for imposing conditions, I conclude on the main issue that the proposal would not cause unacceptable harm to neighbours' living conditions in terms of noise and disturbance. In this regard it would comply with UDP Policy ENVI.

#### **Other Matters**

12. This formed no part of the reason for refusal, but the Council's statement indicated that the proposed car wash bay would appear overbearing and unduly intrusive from the rear garden of No 1 Victory Road. However, the roof would be hipped and given its location adjacent to the northern end of that garden, adjoining the existing shop and store building, I am satisfied that it would not appear unduly overbearing or intrusive. It would therefore comply with the relevant part of UDP Policy ENVI.
13. The highway authority did not object to the proposal and, given my conclusions regarding the likely levels of vehicle movements, I am not persuaded that local roads would be adversely affected. Similarly, I consider that, when joining Rainham Road from Victory Road, visibility is adequate and would not be unduly restricted by the proposed car sales area. I am satisfied that there would be adequate room for customer and staff parking on the site and a condition could ensure that this is marked out before the new uses commence.
14. Given the location of the proposed car wash bay and its form of construction, I consider that it would not give rise to unacceptable levels of spray or smell and though they are small, I am satisfied that the existing shop and storage buildings on site would provide adequate office accommodation for the proposed mixed use. Some residents say that there is no need for a car wash facility in the area, but that is a matter for the appellant and would not justify dismissal.

#### **Conditions**

15. A number of conditions have been suggested in addition to the standard time limit for commencement of development. Having regard to advice in Circular 11/95, I consider a condition requiring the development to be undertaken in accordance with the submitted plans unnecessary. However, to ensure the satisfactory appearance of the car wash bay, I will require samples of materials to be submitted to the Council for approval. In view of my conclusions on the main and other issues and the fact that significant expense would be incurred in constructing the car wash bay, I am not persuaded that a condition requiring the use to be discontinued within a year or any other period would be necessary or reasonable.
16. Whilst the proposed uses are limited to car wash and car sales, for the avoidance of doubt and to protect neighbours' living conditions, I will attach a condition to ensure that the existing petrol filling station use ceases. To further protect neighbours' living conditions I will limit the hours of operation of the car wash. However, given that the existing petrol station use is not subject to restricted operating hours, I consider the condition suggested by the Council unduly

restrictive. I will adopt the condition previously imposed on the jet wash under planning permission Ref P0179.98.

17. The appellant's comment that the dimensions of the car wash bay would ensure that only one car could be cleaned at any one time was a significant factor in my decision. I will therefore impose a condition to ensure that the cleaning of vehicles takes place solely within that bay. Whilst the appellant would accept the Council's suggested condition preventing the use of power tools, machinery or equipment, other than portable hand tools, it seems to me that portable hand tools could nevertheless be powered and could therefore give rise to significant noise, even if only the sound of pressurised water on vehicle body panels. I therefore consider it necessary to prevent the use of any powered tools, machinery or equipment unless an approved scheme has been implemented, which limits noise levels to those advised by the Council's environmental health officer.
18. The submitted plans indicate the location of the customer and staff car parking to the northwest and northeast of the site respectively and I am satisfied that the surface is adequate in these locations. However, to ensure the safe and convenient movement of vehicles within the site and on adjoining roads, and to prevent any undue impact on levels of parking in adjoining roads, I will require that car parking to be marked out in accordance with plans to be submitted to the Council for approval.
19. I note that there is currently a large refuse bin in the area where the new car wash bay would be located. To safeguard the amenities of neighbouring residents, I will require a refuse storage area to be provided in accordance with details to be submitted to the Council for approval. I am content that there is sufficient room on site to accommodate this. Notwithstanding the limited details shown on the submitted plans and the lack of objections from the environment agency, I will require drainage details to be submitted for approval to ensure the satisfactory drainage of water from the car wash bay, in the interests of neighbours' amenity and highway safety.

### **Conclusions**

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

### **Formal Decision**

21. I allow the appeal, and grant planning permission for the change of use to a hand car wash area and car sales area, including the construction of a car wash bay at 14 Rainham Road, Rainham, Essex, RM13 7RR in accordance with the terms of the application, Ref P1212.05, dated 27 June 2005, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the hand car wash bay hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) On commencement of either of the uses hereby approved the use of the site as a petrol filling station shall cease.
  - 4) Vehicles shall not be washed or otherwise cleaned on the site other than between the hours of 8.00am and 8.00pm Mondays to Fridays and 10.00am to 5.30pm Saturdays, Sundays and Bank Holidays.

- 5) The washing or cleaning of vehicles shall only take place within the wash bay hereby approved and on no other part of the site.
- 6) Other than non-powered, portable hand tools, no equipment shall be used for the cleaning of vehicles on the site except in full accordance with a scheme first submitted to and approved by the local planning authority in writing to ensure that noise levels (expressed as the equivalent continuous sound level  $L_{Acq}$  (1 hour)) when calculated at the boundaries of No 1 Victory Road and No 18 Rainham Road shall not exceed  $L_{A90} - 5dB$ .
- 7) Neither of the uses hereby permitted shall commence until the areas identified for customer and staff car parking on the submitted plans have been marked out in accordance with plans first submitted to and approved by the local planning authority in writing and those areas shall be permanently retained and shall not be used for any other purpose.
- 8) Neither of the uses hereby permitted shall commence until a refuse storage area has been provided on site in accordance with details first submitted to and approved by the local planning authority in writing and that area shall be permanently retained and shall not be used for any other purpose.
- 9) Notwithstanding the details shown on the submitted plans, the hand car wash use hereby permitted shall not commence until works to enable the drainage of the wash bay hereby approved have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

  
INSPECTOR

**RE: Rainham Road Service Station 14 Rainham Road Rainham.**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Mohinder Singh Choda, The Manse, 207 Lambourne Road, Chigwell, Essex, IG7 6JP
  4. Arjan Ahmetaj, Rainham Service Station Rainham Road, Rainham, Essex
  5. The Operator of the Car Wash at Rainham Road Service Station, 14 Rainham Road, Rainham, Essex.

**ISSUED BY:** London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(b) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

The former petrol filling station and associated land at 14 Rainham Road Rainham Essex shown edged black on the attached plan.

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

Planning Permission was granted on appeal by the Planning Inspectorate on 26<sup>th</sup> January 2006 under Planning Reference P1212.05 for change of use to a hand car Wash area and car sales area , including the construction of a car wash bay at 14 Rainham Road Rainham in accordance with the terms of the application and the plans submitted therewith subject to conditions :

- (i) Under planning condition 5 whereby : " The washing or cleaning of vehicles shall only take place within the wash bay hereby approved and on no other part of the site".

Planning Condition 5 is being breached by the washing and cleaning of vehicles in the open taking place on other parts of the site and not in the wash bay hereby approved under the planning permission.

- (ii) Under planning condition 6 whereby : " Other than non-powered, portable hand tools, no equipment shall be used for the cleaning of vehicles on the site except in full accordance with a scheme first submitted to and approved by the local planning authority in writing to ensure that noise levels (expressed as the equivalent continuous sound level LAEQ (1 hour ) ) when calculated at the boundaries of No 1 Victory road and No 18 Rainham Road shall not exceed LA90 – 5dB".

Planning Condition 6 is being breached by the use of powered portable hand tools both within and outside of the washbay area hereby approved which would create unacceptable levels of noise as no scheme relating to noise has been submitted to or approved by the local planning authority in writing.

- (iii) Under planning condition 7 whereby : " Neither of the uses hereby permitted shall commence until the areas identified for customer and staff car parking on the submitted plans have been marked out in accordance with plans first submitted to and approved by the local planning authority in writing and those areas shall be permanently retained and shall not be used for any other purpose".

Planning Condition 7 is being breached as the areas dedicated to parking permanently for customer and staff car parking are being used as a sitting area and storage and not exclusively for parking as stated above.

- (iv) Under planning condition 9 whereby : " Notwithstanding the details shown on the submitted plans, the hand car wash use hereby permitted shall not commence until works to enable the drainage of the wash bay hereby approved have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority ".

Planning Condition 9 has not been fully discharged as discharge to the surface water is not acceptable and no details have been approved by local planning authority in writing.

- (v) Under planning condition 2 whereby : " No development shall take place until samples of the materials to be used in the construction of the external surfaces of the hand car wash bay hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Planning Condition 2 has not been complied with as development has taken place not in accordance with approved details and by the erection of an unauthorised car wash building.

#### 4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breaches of planning control have occurred within the last ten years. Conditions 6,7,9 and 2 were imposed on appeal under Planning Permission P1212.05 by the Planning Inspectorate. The relevant policy considerations are DC33 (car parking) , DC36 (servicing) , DC52(water supply and drainage), DC55 (noise) ,and DC61( urban design) of the Core Strategy and Development Control Policies Submission Development Plan document. The use of the car wash including the construction of a car wash bay has not been implemented in accordance with the plans. The unauthorised uses and the non- compliance with conditions , harm the amenity and appearance of the surrounding area. The site is unsightly , results in queuing vehicles impacting on the safe and efficient operation of the highway and has drainage is inadequate.

#### 5. WHAT YOU ARE REQUIRED TO DO

- (1) Cease washing and cleaning of vehicles except within the wash bay area as approved by planning permission granted on appeal , the plans approved therewith and in accordance with Condition 5 of the planning permission granted on appeal

Time for compliance: 3 months from the effective date of this notice

- (2) Cease the use of all equipment for the cleaning of vehicles except non powered portable hand tools as approved and in the designated area except in full accordance with a scheme first submitted to and approved in writing by the Local Planning Authority to ensure that noise levels comply with condition 6 of the planning permission granted on appeal

Time for compliance: 3 months from the effective date of this notice

- (3) (i)Cease the use as a sitting area and unauthorised storage of materials in areas reserved for customer and staff parking areas as approved under the planning permission granted on appeal in accordance with Condition 7

Time for compliance : 3 months from the effective date of this notice.

- (ii)Remove all unauthorised storage from the areas mentioned in (i) above

Time for compliance : 3 months from the effective date of this notice.

VARIATION  
ON  
APPEAL.

- (4) Cease the use of washing facilities until full compliance with Condition 9 ( water waste ) of the planning permission granted on appeal which would be acceptable to the Local Planning Authority regarding water discharge

Time for compliance : 3 months from the effective date of this notice .

- (5) ~~(i) Cease the development as the development has taken place not in accordance with approved details as stated in condition 2~~

~~Time for compliance : 3 months from the effective date of this notice~~

- ~~(ii) Remove the unauthorised car wash building as stated in Condition 2 whereby development shall be carried out in accordance with the approved details.~~

~~Time for compliance : 3 months from the effective date of this notice.~~

- ~~(6) Remove all car washing and cleaning equipment from the site unless located within the approved car wash bay as approved~~

~~Time for compliance : 3 months from the effective date of this notice~~

- (7) Remove all bricks, rubble, machinery, apparatus, equipment, and other materials brought onto the land pursuant to the breaches of planning control alleged in order to comply with (1) to (6) above.

Time for compliance: 3 months from the effective date of this notice

#### 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19<sup>th</sup> December 2008, unless an appeal is made against it beforehand

Dated: 7<sup>th</sup> November 2008

Signed:



Authorised Officer

on behalf of London Borough of Havering  
Town Hall  
Main Road  
Romford RM1 3BD

#### YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 19<sup>th</sup> December 2008. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

#### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on 19<sup>th</sup> December 2008 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice.

**FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.**



## EXPLANATORY NOTES

### **STATUTORY PROVISIONS**

A summary of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice.

### **YOUR RIGHT OF APPEAL**

You can appeal against this Notice, but any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Secretary of State before 19<sup>th</sup> December 2008. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

### **GROUNDINGS OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 and are also set out on page 2-5 of the enclosed appeal forms.

### **PLANNING APPLICATION FEE**

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £170.00 is payable both to the Secretary of State and to the Council. If the fees are not paid then that ground of appeal will not be valid.

### **STATEMENT ON GROUNDINGS OF APPEAL**

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

### **RECIPIENTS OF THE ENFORCEMENT NOTICE**

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Mohinder Singh Choda, The Manse, 207 Lambourne Road, Chigwell, Essex, IG7 6JP
  4. Arjan Ahmetaj, Rainham Service Station, Rainham Road, Rainham,

Essex

5. The Operator of the Car Wash at Rainham Road Service Station 14  
Rainham Road, Rainham, Essex.



## Appeal Decisions

Hearing held on 30 June 2009

Site visit made on 30 June 2009

by **Claire Sherratt** DipURP MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**3 August 2009**

### Appeals A & B - Ref: APP/B5480/C/08/2092582 & 2092585 14 Rainham Road, Rainham, Essex RM13 7RR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Mohinder Singh Choda and Mr Arjan Ahmetja respectively against an enforcement notice issued by the Council of the London Borough of Havering.
- The Council's reference is ENF/207/07/SX.
- The notice was issued on 7 November 2008.
- The breach of planning control alleged in the notice is failure to comply with conditions Nos 5, 6, 7, 9 and 2 of a planning permission Ref P1212.05 granted on 26 January 2006 (appeal reference APP/ B5480/A/05/119075).
- The development to which the permission relates is change of use to a hand car wash area and car sales area, including the construction of a car wash bay.
- The conditions in question state that:

Condition 5 – The washing or cleaning of vehicles shall only take place within the wash bay hereby approved and no other part of the site.

Condition 6 – Other than non-powered, portable hand tools, no equipment shall be used for the cleaning of vehicles on the site except in full accordance with a scheme first submitted to and approved by the local planning authority in writing to ensure that noise levels (expressed as the continuous sound level LAEQ (1 hour)) when calculated at the boundaries of No 1 Victory Road and No 18 Rainham Road shall not exceed LA90-5dB.

Condition 7 – Neither of the uses hereby permitted shall commence until the areas identified for customer and staff car parking on the submitted plans have been marked out in accordance with the plans first submitted to and approved by the local planning authority in writing and those areas shall be permanently retained and shall not be used for any other purpose.

Condition 9 – Notwithstanding the details shown on the submitted plans, the hand car wash use hereby permitted shall not commence until works to enable the drainage of the wash bay hereby approved have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Condition 2 – No development shall take place until samples of the materials to be used in the construction of the external surfaces of the hand car wash bay hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- The notice alleges that the conditions have not been complied with in that:

Condition 5 is being breached by the washing and cleaning of vehicles in the open taking place on other parts of the site and not in the wash bay hereby approved under the planning condition.

Condition 6 is being breached by the use of powered portable hand tools both within and outside of the wash bay area hereby approved which would create unacceptable levels of noise as no scheme relating to noise has been submitted to or approved by the local planning authority in writing.

Condition 7 is being breached as the areas dedicated to parking permanently for customer and staff car parking are being used as a sitting area and storage and not exclusively for parking as stated above.

Condition 9 has not fully been discharged as discharge to the surface water is not acceptable and no details have been approved by the local planning authority in writing.

Condition 2 has not been complied with as development has taken place not in accordance with approved details and by the erection of an unauthorised car wash building.

- The requirements of the notice are to:
  1. Cease washing and cleaning of vehicles except within the wash bay area as approved by planning permission granted on appeal, the plans approved therewith and in accordance with condition 5 of the planning permission granted on appeal.
  2. Cease the use of all equipment for the cleaning of vehicles except non powered portable hand tools as approved and in the designated area except in full accordance with a scheme first submitted to and approved in writing by the local planning authority to ensure that noise levels comply with condition 6 of the planning permission granted on appeal.
  3. (i) Cease the use as a seating area and unauthorised storage of materials in areas reserved for customer and staff parking areas as approved under the planning permission granted on appeal in accordance with Condition 7.  
(ii) Remove all unauthorised storage from the areas mentioned in (i) above.
  4. Cease the use of washing facilities until full compliance with Condition 9 (water waste) of the planning permission granted on appeal which would be acceptable to the local planning authority regarding water discharge.
  5. (i) Cease the development as the development has taken place not in accordance with approved details as stated in condition 2.  
(ii) Remove the unauthorised car wash building as stated in condition 2 whereby development shall be carried out in accordance with the approved details.
  6. Remove all car washing and cleaning equipment from the site unless located within the approved car wash bay as approved.
  7. Remove all bricks, rubble, machinery, apparatus, equipment, and other materials brought onto the land pursuant to the breaches of planning control alleged in order to comply with (1) to (6) above.
- The period for compliance with the requirements is 3 months from the effective date of the notice.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- An application for planning permission is deemed to have been made under S177 (5) of the Act as amended.

**Decision:**

**I direct that the enforcement notice be corrected by:**

- (a) The deletion of the words 'and by the erection of an unauthorised car wash building' in 3 (v);

**I direct that the enforcement notice be varied by:**

- (a) The deletion of 5 (5) (i) 'Cease the development as the development has taken place not in accordance with approved details as stated in condition 2.'
- (b) The deletion of 5 (5) (ii) 'remove the unauthorised car wash building as stated in Condition 2 whereby development shall be carried out in accordance with the approved details.'
- (c) The deletion of 5 (6) 'remove all car washing and cleaning equipment from the site unless located within the approved car wash bay as approved.'
- (d) The deletion of the words 'bricks, rubble' in 5 (7).

**Subject to these corrections and variations I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.**

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**Appeal C - Ref: APP/B5480/A/08/2091742  
14 Rainham Road, Rainham, Essex RM13 7RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mohinder Singh against the decision of the Council of the London Borough of Havering.
- The application Ref P0758.08, dated 6 May 2008, was refused by notice dated 10 July 2008.
- The development proposed is change of use of former garage forecourt shop to form part of the adjoining car wash unit.

**Decision: I allow the appeal, and grant planning permission for the change of use of a former garage forecourt shop to form part of an adjoining car wash unit at 14 Rainham Road, Rainham, Essex RM13 7RR in accordance with the terms of the application, Ref P0758.08, dated 6 May 2008, and the plans submitted with it, subject to the conditions set out in annex 1 attached to this decision.**

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**Application for Costs**

1. At the hearing an application for costs was made by Mr Mohinder Singh against the London Borough of Havering. This application is the subject of a separate Decision.

## Appeals A & B against the Enforcement Notice

### Procedural Matters

2. Prior to the hearing the main parties agreed that condition 9 of planning permission reference P1212.05 has been complied with. Requirement (4) of Section 5 of the Notice is therefore satisfied. I note the position and it is not therefore necessary for me to address matters relating to this condition any further.
3. The appellant asserts that the Notice is 'void for uncertainty' being ambiguous and uncertain so that the owner or occupier could not tell in what respect it was alleged that he had failed to comply with the conditions and that he could not tell with reasonable certainty what steps he had to take to remedy the alleged breaches. S173 (2) says that a notice complies with s173 (1) (a) if it "enables any person on whom a copy of it is served to know what those matters, (the matters alleged to constitute the breach), are". However, for a notice to "hopelessly ambiguous and uncertain" much must be wrong with it<sup>1</sup>.
4. Where a breach of condition is alleged, as is the case here, details of the relevant permission and condition(s) should be recited, so that it is clear what the allegation is. An example of such an Enforcement Notice is set out in Appendix 3 to Annex 2 of Circular 10/97. Like the example, the Notice contains the date of the planning permission to which the Notice refers and the relevant conditions are set out in full. It also clearly states the planning permission reference. There can be no uncertainty as to which permission and conditions the Notice relates to. The planning permission, application plans and any plans or details subsequently submitted and approved in accordance with conditions are public documents which the recipient of the Notice or any other member of the public would have access to. There is no statutory requirement to annex the decision and application plans.
5. The legislative requirements only require the local planning authority to specify the precise boundaries of the land to which the Notice relates on a plan. Whilst it may have been helpful to indicate the approximate position of the approved wash bay and parking spaces referred to on the plan attached to the Notice, I do not consider it necessary as this is clearly evident from the public documents referred to in the Notice. In any event, I consider that the recipients of the Notice were not in any doubt as to the location of the wash-bay and were not prejudiced as a result of any lack of its identification on the plan.
6. I have considered whether the Notice tells the recipient fairly, in respect of each condition (that the appeal relates to), what he has done wrong and what he must do to remedy it. Condition 2 requires the submission of material samples and the development to be subsequently carried out in accordance

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<sup>1</sup> Courts in the *Ahern* and *Simms v SSE and Broxtowe* cases have encouraged a move away from strict adherence to formalities. In *Ahern* it was stated that the Act could be read to mean what it says, namely that the Secretary of State may correct any defect or error if he is satisfied that there would be no injustice to either party. In this context it is in the public interest that money should not be wasted unnecessarily by setting the nullity test too low since the result of such a finding is normally the issue of another notice under the second bite provision and a further appeal.

with those details. The alleged breach is twofold; firstly, that the development has not taken place in accordance with approved details and secondly; the erection of an unauthorised car wash building. In respect of the latter, the erection of an unauthorised building would not relate to the planning permission or the conditions that the permission is subject to. It would be a separate breach of planning control unrelated to the planning permission. I therefore intend to correct the Notice by deleting 'and by the erection of an unauthorised car wash building' from the allegation relating to Condition 2. I do not consider that injustice to the parties would be caused. I will deal with the requirements of the Notice in respect of condition 2 under ground (f). Subject to this correction, I find condition 2 is clear on its face.

7. Condition 7 requires customer and staff parking to be marked out within the site. More specifically, it requires spaces to be marked out in accordance with plans to be submitted in the areas indicated on the 'submitted plan'. Plans were submitted (Document 8) and approved showing 2 staff spaces in the north east corner of the site (at right angles to Victory Road) and 3 visitor spaces in the south east corner of the site (at right angles with Rainham Road) both in the general areas indicated on the submitted plan. Car parking spaces have not been marked out in accordance with the approved plan. Four customer spaces had been marked out in the south east corner of the site, but at right angles to Victory Road and not therefore in accordance with the approved plan. Although, at the time of my visit, I saw vehicles parked in the north east corner of the site adjacent to the boundary with 1 Victory Road, no spaces were marked out.
8. The Council do not identify the alleged breach as the failure to mark out the spaces in accordance with the approved details or require them to be marked out and used for no other purpose other than staff and customer parking. Instead, it only requires the use of the 'dedicated parking areas' as a sitting area and for storage to cease. The Council has therefore chosen to under-enforce the breach of this condition and clearly states that the alleged breach is the use of the 'dedicated parking areas' as sitting areas and storage purposes. The requirement of the Notice in respect of condition 7 (requirement 3) is to cease the use of the parking areas 'as approved' as a seating area and for storage of materials and remove the storage materials. As requirement 3 refers to the 'customer and staff parking areas as approved' then it is clearly this area that the Notice relates to. Whilst the specific wording of the Notice could have been clearer in this respect, it is not so ambiguous or illogical to be a nullity.

## **Reasons**

### **Ground (b) – that those matters have not occurred**

9. The crux of the appellant's argument is that the alleged breaches of the conditions of planning permission P1212.05 to which the notice relates have not occurred as this permission has not been implemented. As such, there are no conditions prohibiting what has occurred.
10. The Notice relates to planning permission reference P1212.05 (change of use to a hand car wash area and car sales, including the construction of a car wash bay) which was allowed on appeal (ref APP/B5480/A/05/1190754) on

26 January 2006. However, the appellant asserts that it was an earlier planning permission, reference P0179.98 (part demolition of existing forecourt shop construction new enlarged shop and installation of jet wash and clear roof over proposed jet wash bay), granted in 1998 that has been implemented.

11. The appellant's evidence was that a few months after the permission, a jet wash facility operated in the location shown on the approved plans. A material change of use therefore occurred although it was accepted that the remainder of the operational development was not carried out. The use subsequently moved to another part of the site. The local residents in attendance at the hearing disagreed and had no recollection of a jet wash operating in 1998 / 1999 in the north west corner of the site. I note that the Inspector who determined the 2006 appeal relating to the permitted car wash referred to the earlier 1998 jet wash permission and records in his decision at paragraph 8 that 'the permission has not been implemented'.
12. I am not satisfied based on the evidence before me, that on the balance of probability, the 1998 permission was implemented by the use of land for a jet wash. The ground (b) appeal therefore fails.

**Ground (c) – that those matters if they occurred did not constitute a breach of planning control**

13. Ground (c) is pleaded on the basis that the conditions in question have been complied with, were unreasonably imposed, or fail the six tests laid down in paragraphs 14-42 of Circular 11/95.

Condition 2

14. A condition requiring details of materials to be submitted for approval is common place and in this case was necessary to ensure the appearance of the wash bay was satisfactory. The alleged breach, as corrected, is that the development has not taken place in accordance with the approved details. Samples of some external materials were submitted to the Council but not approved in writing. There are therefore no approved details. No appeal was lodged against the failure of the Council to approve the materials. The condition requires that no development shall commence until details have been approved. As a matter of fact and degree, a breach of Condition 2 has therefore occurred.

Condition 5

15. Condition 5 has not been complied with. Photographic evidence provided by the Council clearly shows vehicles being washed outside the wash-bay. This is also supported by the observations of local residents. In my view it is not unreasonably imposed and accords with the tests set out in Circular 11/95.
16. Unlike the appellant, I consider acts of preparation and finishing clearly come under the heading 'washing or cleaning' specified in the condition. Indeed the previous Inspector must have intended this to be the case as he compared the permitted car wash facility to an unauthorised car wash undertaken in the north eastern corner of the site which involved a conveyor belt system with up to 2 or 3 cars being cleared or prepared for washing at anyone time by as many as 10 operatives. By contrast, he found the wash bay could not



accommodate more than 1 vehicle at a time. Accordingly, he found that *'in these circumstances, the number of people working in the car wash is likely to be limited and the associated level of activity, noise and disturbance reduced'*. This would not be the case if any other activities could still take place outside the wash bay. Similarly, I consider the condition prevents both washing and cleaning taking place anywhere other than in the wash bay. It is not void for uncertainty as it can be given sensible meaning, (*Fawcett Properties v Bucks CC* [1961] AC 636).

#### Condition 6

17. The effect of Condition 6 is to prevent the use of any equipment, except non-powered, portable hand-tools, other than in accordance with a scheme to be first submitted to and approved in writing. Whilst the condition contains an additional advisory element that refers to specific noise levels at the boundaries of nearby properties this is not expressed as a requirement of the condition. As such, it would still be for the local planning authority to determine whether the use of any powered tools would be acceptable having regard to the living conditions of nearby residents based on the information submitted to it. Whilst it may have been preferable to require details to be submitted or impose a condition expressly restricting noise levels to a specific level at the boundaries, the condition is nevertheless clear and unambiguous.
18. I consider such a scheme is necessary and reasonable to adequately safeguard the living conditions of the occupiers of nearby properties. Indeed representations made by local residents suggest that the equipment being used does cause noise and disturbance although it is unclear if this is only when the machinery is operated outside the wash bay. I acknowledge that a similar condition was not imposed on the 1998 permission that included a jet wash in the same position. However, the Inspector when determining the 2006 planning permission had the benefit of being aware of the impact that the unauthorised car wash had already had on the living conditions of nearby properties. I understand details of equipment were submitted to the authority but found to be unacceptable. Equipment is therefore being used in breach of Condition 6.

#### Condition 7

19. Condition 7 requires customer and staff parking to be marked out within the site. More specifically, it requires spaces to be marked out in accordance with plans to be submitted for approval in the general areas indicated on the 'submitted plan'. The condition is in my view reasonable and necessary to ensure adequate parking is provided within the site for staff and customers. Furthermore it is clear, precise and enforceable.
20. The alleged breach is the use of 'dedicated parking areas' for seating areas and storage. As explained earlier the dedicated parking areas referred to are those on the submitted and subsequently approved Plan showing 2 staff spaces in the north east corner of the site (at right angles to Victory Road) and 3 visitor spaces in the south east corner of the site (at right angles with Rainham Road) both in the general areas indicated on the submitted (application) plan. Photographic evidence produced by the Council shows items stored in the area dedicated for parking in the north east corner of the site. Whilst these items

are stored temporarily, they nevertheless prevent the parking spaces being used for parking. The use of these areas as seating areas was less clear. Nevertheless, a breach of planning condition 7 has occurred.

21. To conclude, the appeal made under ground (c) fails.

**Ground (a), the deemed application**

22. In this case the deemed application under s177 (5) is a retrospective one, to carry out the original development, without complying with the particular conditions enforced. I will address each of the conditions to which the ground (a) appeal relates in turn.

Condition 5

23. From the representations made and from what I heard at the hearing, it seems clear to me that when vehicles are washed and cleaned outside the wash bay area this generates undue noise and disturbance to the occupiers of nearby properties. I therefore consider that it is wholly necessary to ensure that vehicles are only washed and cleaned inside the wash bay area to ensure the development does not cause undue noise and disturbance to the occupiers of nearby properties. I find that the original development should not continue without complying with this condition. Condition 5 is not therefore discharged.

Condition 6

24. Information was provided to the Council stipulating the technical data for the machinery to be / being used on the site. However based on this information and from observations of the construction and materials used for the enclosure the Council's Pollution Officer was satisfied that the noise created would be unacceptable at the nearest residential properties. No mention is made by the Pollution Officer that any noise measurements were taken. However, it is important to note that on both occasions when the Officer visited the site the commercial vacuum cleaners and the jet washers were being used outside. It would not have been possible to determine if the use of the equipment inside the wash bay would have been acceptable.

25. I consider a condition requiring the approval of equipment, other than non-powered hand tools, remains necessary and the development should not continue without complying with this condition. Condition 6 is not therefore discharged.

Condition 7

26. Condition 7 requires customer and staff parking spaces to be marked out. Such a requirement is in my opinion, necessary to ensure sufficient parking is provided within the site and thereafter retained. The broad areas for parking are indicated on the submitted plan (application plan). However the condition requires further details to be submitted to show the precise location of individual parking spaces within these general areas. Plans have been submitted and approved by the local planning authority (Document 8). Although the Council do not require the spaces to be marked out differently to those I saw marked out for customer parking on site, I nevertheless consider the development should not be carried out without providing parking spaces. As such the condition remains necessary and is not discharged.

Condition 2

27. Samples of some external materials were submitted to the Council in accordance with the requirements of the Condition 2. Notwithstanding that the Council had not approved the materials submitted, the Council's representative confirmed, at the hearing, that there was no objection to the materials that have been used. It must follow therefore that the condition is no longer necessary in so far as it relates to the materials already used to construct the wash bay.
28. I established at the hearing that it is the lack of a glass screen to contain spray and noise arising from the use of the wash bay, as shown on the approved plans that is of particular concern to the Council. However, Condition 2 does not in itself expressly require the erection of either a glass or another type of screen (as may be approved by the local planning authority). The development has been carried out thus far with materials to which the Council raise no objections.
29. At the hearing, there was some disagreement between the main parties over whether the Perspex sample submitted was intended to include the materials to be used for the area identified as a 'glass screen' on the submitted plans. Unless the appellant had specifically requested that the Perspex sample be considered as an alternative to glass, then it is not surprising that the Council had not appreciated that was the intention. In any event, neither a glass nor Perspex screen has been constructed. To date, the materials for the screen have not been approved by the Council and the development has not therefore been carried out in accordance with those details. Condition 2 therefore remains necessary and the development should not proceed without complying with it. It can not be discharged.
30. To conclude, I find that the original development should not be carried out without complying with those conditions enforced against in the Notice.

**Ground (f)**

31. Having found conditions 5, 6 and 7 necessary, I do not consider requirements (1), (2) or (3) of section 5 of the notice are excessive.
32. The alleged breach of Condition 2 incorrectly refers to the erection of an unauthorised building. As previously explained, the alleged breach can only relate to the conditions enforced against as the enforcement notice relates to the alleged breach of those conditions. Requirements 5(ii) of the Notice incorrectly requires the removal of the unauthorised building. The condition states that no development shall take place until samples of materials have been submitted to and approved by the local planning authority. Materials have not been approved so no development should have occurred. However, material samples were submitted to the Council and the Council's representative accepted at the hearing that the materials that have been used are acceptable. The development has therefore been carried out, thus far, in accordance with materials that the Council finds acceptable. I therefore consider requirement (5) (ii) of Section 5 of the notice to 'remove the unauthorised car wash building' is clearly excessive. It follows that the requirement to remove all bricks and rubble as set out in requirement (7) would not be necessary and I intend to vary the notice accordingly.

33. Requirement (6) prevents the storage of equipment anywhere on the site when it is not in use. The Council's representative confirmed that this was not the intention and there would be no objections to equipment being stored in the existing forecourt building overnight. However, conditions 5 and 6 effectively prevent the use of equipment outside the wash bay but not its storage outside the wash bay when not in use, irrespective of where it may be on the site; except in the approved parking areas in accordance with Condition 7. I therefore consider requirement (6) to be excessive in order to remedy the breach of planning control. I intend to vary the notice by deleting requirement (6) of Section 5 of the notice.

34. The appeal on ground (f) therefore succeeds to this extent.

#### **Ground (g)**

35. I consider 3 months is sufficient time to cease the washing vehicles outside the wash bay, to cease the use of equipment other than non power hand tools, cease the use of areas indicated for parking for seating and storage, to remove storage items, machinery, apparatus, equipment except in association with the use of the site in accordance with the planning permission. The appeal under ground (g) therefore fails.

#### **Conclusions**

36. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the deemed application.

#### **Appeal C - Section 78 appeal**

##### **Reasons**

37. The proposal comprises alterations to the existing building (former garage forecourt shop) to enable it to be used as an extension to the wash-bay area for the finishing of vehicles. It would allow a one-way system to operate with vehicles being washed in the existing wash-bay before moving forward into the existing building to be finished off and then to exit in a forward direction through a newly created opening.

38. The main issue is the effect of the development on the living conditions of the occupiers of nearby properties. A car wash could continue to operate on the site in accordance with planning permission reference P1212.05. This is the fall back position should this appeal fail and is a material consideration in respect of my decision. I have had regard to the previous appeal decision (reference APP/B5480/A/05/1190754) in relation to the existing planning permission. In particular, I note that the Inspector compared the current car wash facility to an unauthorised car wash undertaken in the north eastern corner of the site which involved a conveyor belt system with up to 2 or 3 cars being cleared or prepared for washing at anyone time by as many as 10 operatives. By contrast, he found the proposed wash bay could not accommodate more than 1 vehicle at a time and that a condition could ensure that vehicles are only washed and cleaned within the bay. Accordingly, he found that *'in these circumstances, the number of people working in the car wash is likely to be limited and the associated level of activity, noise and disturbance reduced'*.

39. I accept that the proposal would potentially involve more staff than the present permitted arrangement as a vehicle could be washed while another is being finished. Whilst a conveyor belt system clearly caused unacceptable levels of noise and disturbance in the north east corner of the site, in its current location it is further from the house at 1 Victory Road and adjacent to a garage / store at the end section of the garden. On the north-western site boundary, the bay is alongside a vehicle access and garages / stores to the rear of 18 Rainham Road. In this location the previous Inspector considered that the car wash would have significantly less impact on neighbour's living conditions than the unauthorised operations. From my observations of the site I concur with this view.
40. Whilst the proposed development would enable one vehicle to be washed and one vehicle to be finished at the same time, I am mindful that it could all be contained within the wash bay structure and former forecourt shop building. In my opinion, provided that the car wash facility operates in this way, then I consider that any noise and disturbance from within the building would not be materially greater than would arise from the permitted use of the site in accordance with planning permission reference P1212.05. The size and type of any vehicle would be restricted by the size of the wash-bay, thus preventing large vehicles being washed within it. Furthermore, there has been planning permission for a jet wash in this location. I do not consider the proposed alterations to the appearance of the existing building would be of detriment to the visual amenity of the area. I find no conflict with Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.
41. However, I do consider it would be necessary to impose a number of conditions to ensure that the living conditions of the occupiers of nearby properties are reasonably safeguarded. Some conditions were suggested by the Council. As well as a standard time limit condition I agree that a condition would be necessary preventing vehicles being washed and cleaned other than within the wash-bay and former forecourt building together with restrictions on the hours of operation to match those already in place.
42. I do not consider it would be necessary to agree materials as the alterations to the building are predominantly internal. However, I consider the glazing screens should be provided to retain spray and limit noise in accordance with the submitted plans prior to the use of the building. Given more than one vehicle could be worked on at any given time, I consider details of a parking scheme should be submitted to and approved in writing by the local planning authority and subsequently marked out prior to the use of the former forecourt building to ensure sufficient customer parking is provided. Similarly the use of equipment should be restricted other than non powered hand tools, unless first agreed with the local planning authority to safeguard the living conditions of nearby properties.

### **Conclusions**

43. For the reasons given above I conclude that the appeal should be allowed.

*Claire Sherratt* INSPECTOR

### **Annex 1 – List of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The washing and cleaning of vehicles shall not take place anywhere on the site except in the wash bay and former garage forecourt building hereby approved.
- 3) Vehicles shall not be washed or cleaned other than between the hours of 08:00 – 20:00 Monday to Friday only and 10:00 – 17:30 Saturdays, Sundays, Bank Holidays and Public Holidays, without the prior written consent of the local planning authority.
- 4) Other than non-powered portable hand tools, no equipment shall be used for the washing or cleaning of vehicles except in full accordance with a scheme to be first submitted to and approved in writing by the local planning authority.
- 5) The building shall not be used for the purposes hereby permitted until all glazing and Perspex screens have been provided in accordance with details shown on submitted drawings reference MSC/01A, MSC 02A and MSC 03A.
- 6) The building shall not be used for the purposes hereby permitted until parking spaces for both customers and staff have been marked out in the site in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The approved spaces shall be permanently retained for the parking of vehicles thereafter and for no other purpose.

## DOCUMENTS

- 1 Copy of appeal notification letter and list of persons notified.
- 2 Letter from Havering London Borough Council to Mr Nicastro dated 10 December 2008.
- 3 Building regulations refusal notice dated 26 May 1999.
- 4 Photographs taken 2005.
- 5 Photographs taken May & July 2003.
- 6 Statement of Mr Choda.
- 7 Statement of Mr Moreti.
- 8 Approved parking plan.

## PLANS

- A1-A7 Application Plans (Appeal C).



**Helen Oakerbee**  
**Planning Control Manager**  
**(Applications)**

**Finance and Commerce**  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

G Nicastro LL.B.  
60 Southbury Road  
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**Please call: Patricia Coyle**  
**Telephone: 01708 432728**

Fax: 01708 432672  
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Textphone: 01708 432736  
(Deaf & hearing impaired)

Dear Sir/Madam

Date: 31st March 2010

**NOTICE OF DECISION**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**  
**PLANNING (LISTED BUILDING AND CONSERVATIONS AREAS) REGULATIONS 1990**

Details pursuant to the discharge of conditions were received in this office in relation to the following application.

**Application No** Q0023.10

**Proposal:** Discharge of condition of planning application P0758.08

**Location:** 14 Rainham Road Rainham

The Planning Service has given careful consideration to these details and the information supplied is able to confirm that they are acceptable and Discharge in Part the requirements of the condition set out below:

- 6 *The building shall not be used for the purposes hereby permitted until parking spaces for both customers and staff have been marked out in the site in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The approved spaces shall be permanently retained for the parking of vehicles thereafter and for no other purpose.*

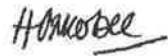
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If you require any further assistance please contact this office.

Yours faithfully



**Helen Oakerbee**  
**Planning Control Manager (Applications)**  
[www.havering.gov.uk/planning](http://www.havering.gov.uk/planning)

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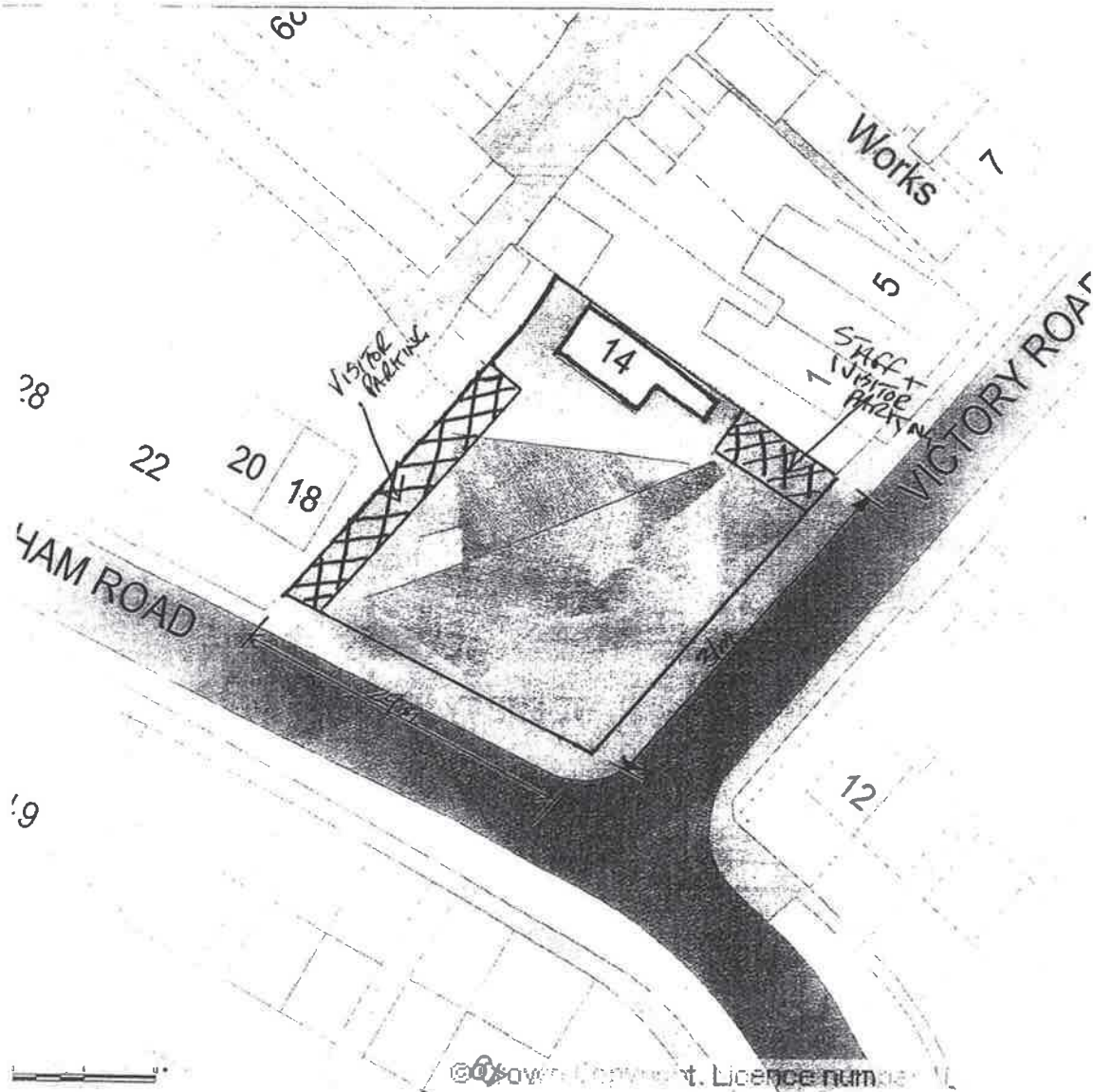
ANNETAS CAR WASH AT

14 RAINHAM ROAD, RAINHAM RM13 7RR

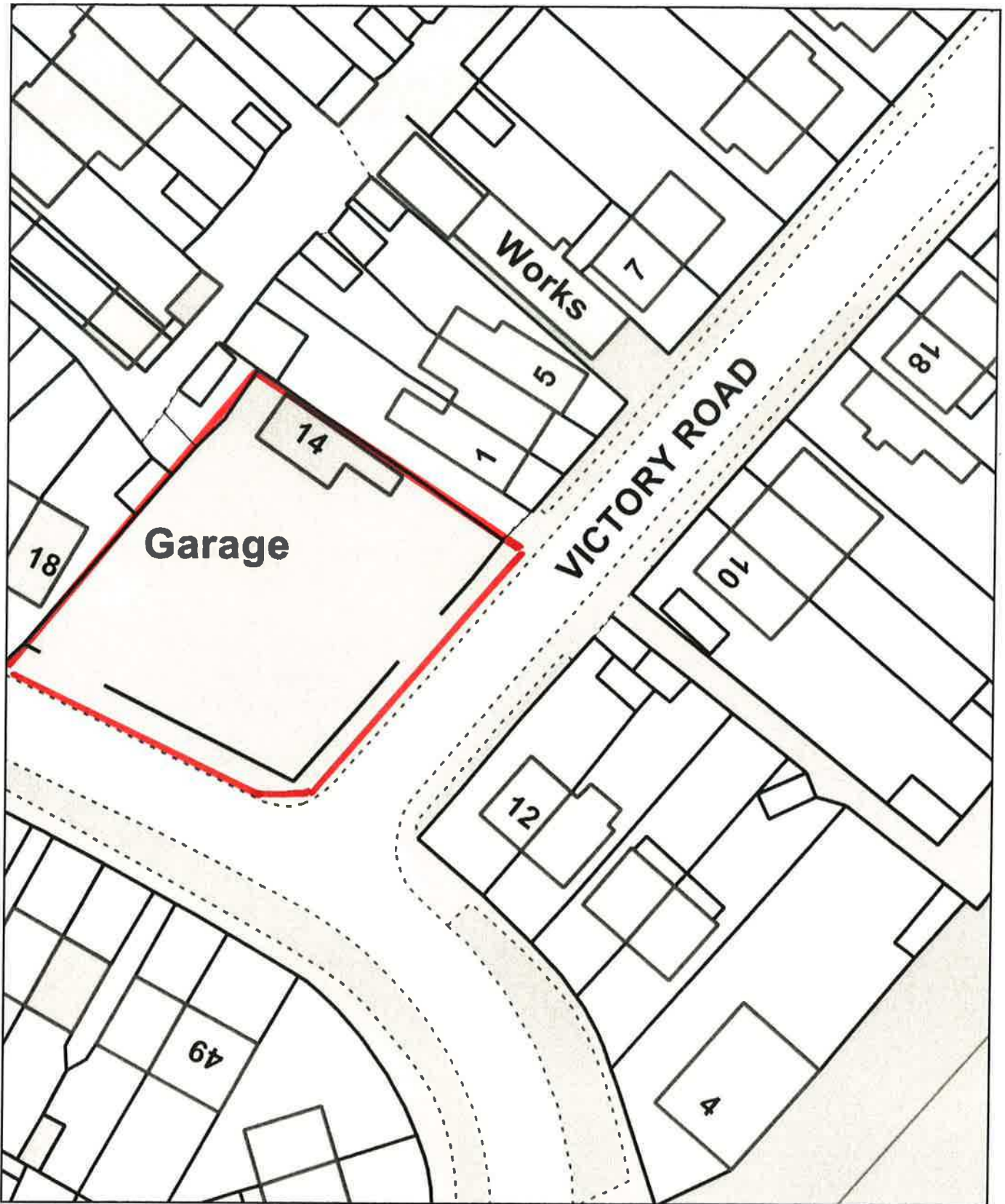
SCALE 1:500

REF: CN/01 SITE PLAN / LOCATION PLAN.

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 Town Hall, Main Road  
 Romford, RM1 3BD  
 Tel: 01708 434343

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# REGULATORY SERVICES COMMITTEE

# REPORT

14 November 2013

<p><b>Subject Heading:</b></p>	<p>Application for the Stopping Up and diversion (under Section 247 of the Town and Country Planning Act 1990) of Highway at land adjacent to 8-26 Coltsfoot Path and 40-98 Barberry Close, Romford shown zebra hatched to the extent of the stopping up and by stipple notation to the extent of the highway as diverted on the plans annexed to this report.</p> <p>(Application received 10<sup>th</sup> October 2013)</p>
<p><b>Report Author and contact details:</b></p>	<p>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</p>
<p><b>Policy context:</b></p>	<p>Local Development Framework</p>
<p><b>Financial summary:</b></p>	<p>None</p>

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

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

**SUMMARY**

This report relates to an application received on 10<sup>th</sup> October 2013 for the stopping up and diversion of highway to enable part of the development of land pursuant to a planning permission (planning reference P0365.13). The planning permission (planning reference P0365.13) involves the part of the Briar Estate (Briar Site 6A-2) to construct a two/three storey building providing a terrace of 9 houses (2x2 bed, 4x3 bed and 3x4 bed) (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up and divert the areas of footway (highway) shown zebra hatched to the extent of stopping up of highway on the plan Drawing Reference: 1117\_6A-2\_SO\_003 annexed to this report (“Plan 1”) and to the extent of diversion shown in stipple notation on the plan Drawing Reference: 1117\_6A-2\_SO\_004 annexed to this report (“Plan 2”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up and diversion of highway is acceptable subject to the construction of new footway (highway) by way of diversion to enable the Planning Permission to be carried out.

**RECOMMENDATIONS**

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

- 2.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as

amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (the Plan 1) and to the extent of the diverted highway being created to the extent described by stipple notation on Plan 2 as the land is required to enable development for which the Council has granted planning permission under planning reference P0365.13 to be carried out to completion.

- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

## REPORT DETAILS

- 3.1 On 20<sup>th</sup> June 2013 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P0365.13 which involves the part of the Briar Estate (Briar Site 6A-2) to construct a two/three storey building providing a terrace of 9 houses (2x2 bed, 4x3 bed and 3x4 bed). The Planning Permission was issued on 30<sup>th</sup> August 2013.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0365.13 can be implemented and it involves the stopping up of one area of highway: between ordnance survey points E:553450324 and N:191404607 to points E:553470883 and N:191434437 on the Southern Western stretch of Coltsfoot Path a length of existing highway of 35 metres and 3.5 metres in width shown zebra hatched on the Plan1 annexed to this report.
- 3.3 As part of the proposed order proposed new highway would be created as show by stipple notation on Plan 2 annexed to this report. 6A2: The proposed highway forming the diverted highway comprises the following (i) A stretch of new highway east-west measuring 30.5 m long and 7.25 m wide, from OS points E553511890, N191429668 to E553543343, N191428614 and a further new highway area north-south measuring 70.5 m long and 4 m wide ending at the most northerly point OS 553539266, N191506203, cutting slightly west in line with the proposed new terrace of housing to the rear of 8-14

Coltsfoot Path, with corner points at OS E553532408, N191482133 and OS E553535935, N191457117.

- 3.4 The development involves building on land which includes part of the said area of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan 1 needs to be formally stopped up and the diverted highway created as shown in stipple notation on Plan 2 in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until the diverted highway is created and the Order it is confirmed.
- 3.5 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and diversion of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.6 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

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

### 4.2 **Legal Implications and Risks:**

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



#### 4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

#### 4.4 **Equalities and Social Inclusion Implications:**

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

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

Having considered the above duty and the Human Rights Act 1998 the stopping up of the highway will not lead to a materially adverse impact.

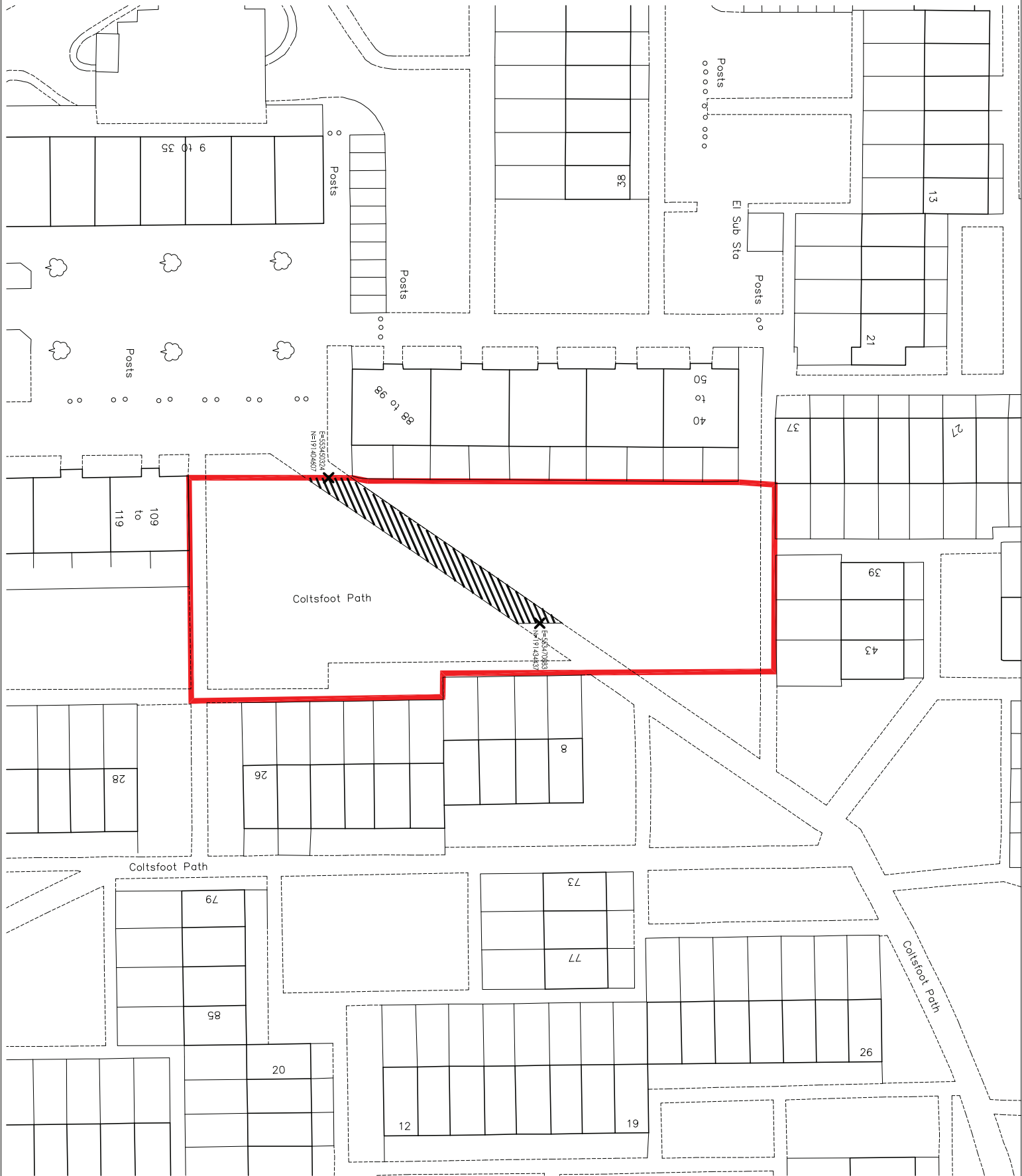
### **CONCLUSION**

The proposed stopping up and diversion of highway relates to an area of highway the extent of which in terms of proposed stopping up is shown zebra hatched on Plan 1 annexed to this report and the creation of proposed new highway by way of diversion, shown in stipple notation on Plan 2 annexed to this report which is necessary to enable the development of land pursuant to a planning permission (planning reference P0365.13) which involves the part of the Briar Estate (Briar Site 6A-1) to construct a two/three storey building providing a terrace of 9 houses (2x2 bed, 4x3 bed and 3x4 bed) ("the Planning Permission"). It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched and diversion of highway shown in stipple notation on the attached plans.

#### **Background Papers List**

1. Report of Regulatory Services Committee of 20<sup>th</sup> June 2013 which resolved to grant planning permission under planning reference P0365.13.





**Key**

- Planning boundary
- Existing adoptive highways to be stopped up
- OS Eastings and Northings

**Scale**  
0 1 2 3 4 5 6 7 8 9 10

**North Arrow**  
N

DATE	REV / DESCRIPTION	BY	CHECKED

**CLIENT**  
Notting Hill Housing

**PROJECT**  
The Brier

**DRAWING TITLE**  
Site 6A-2  
Stopping up Existing Highways

**STATUS**  
FOR INFORMATION

**SCALE**  
1:500@A3

**DATE**  
2013.08

**DRAWING NO.**  
1117\_6A-2\_SO\_003

**REVISION**  
/

**FOR INFORMATION**

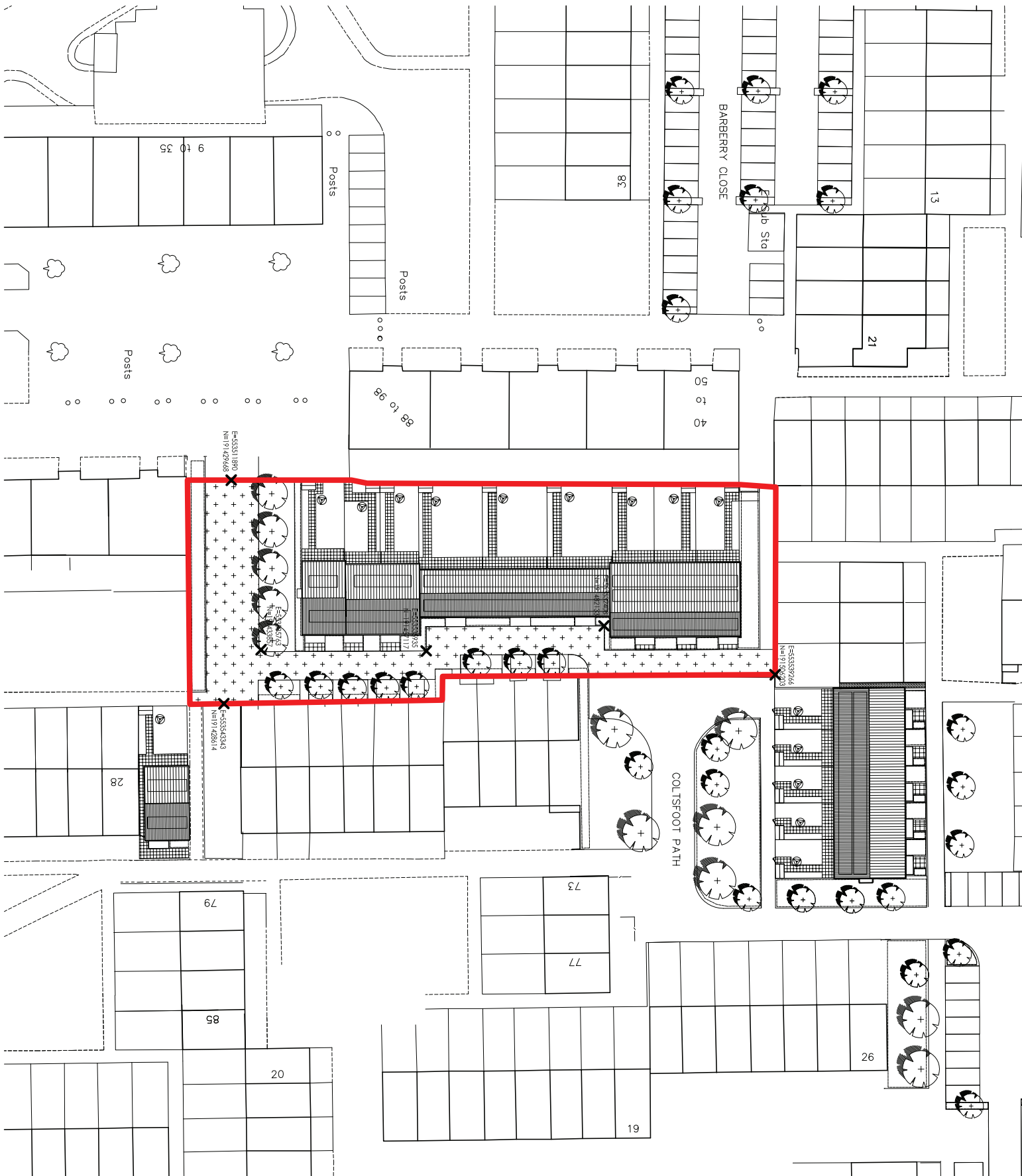
**DRAWN BY**

**CHECKED BY**




**REVISION**  
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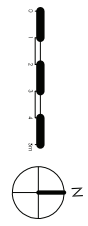
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**Key**

-  Planning boundary
-  Proposed new highway
-  OS Eastings and Northings



DATE	REV. DESCRIPTION	BY	CHECKED

CLIENT  
Notting Hill Housing

PROJECT  
The Briar

DRAWING TITLE  
Site 6A-2  
Proposed New Highway

STATUS  
FOR INFORMATION

SCALE	DRAWN BY	DATE	CHECKED BY	REVISION
1:500@A3	DRYAN BY	2013.08		
DRAWING NO. 1117_6A-2_SO_004				

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# REGULATORY SERVICES COMMITTEE

14 November 2013

# REPORT

<p><b>Subject Heading:</b></p>	<p>Application for the Stopping Up and diversion (under Section 247 of the Town and Country Planning Act 1990) of Highway at land adjacent to 42 Barberry Close, 1-12 Betony Close, 20-26 Lavender Close &amp; 8, 71,73, 75 Coltsfoot Path shown zebra hatched to the extent of the stopping up and by stipple notation to the extent of the highway as diverted on the plans annexed to this report.</p> <p>(Application received 10<sup>th</sup> October 2013)</p>
<p><b>Report Author and contact details:</b></p>	<p>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</p>
<p><b>Policy context:</b></p>	<p>Local Development Framework</p>
<p><b>Financial summary:</b></p>	<p>None</p>

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

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

**SUMMARY**

This report relates to an application received on 10<sup>th</sup> October 2013 for the stopping up and diversion of highway to enable part of the development of land pursuant to a planning permission (planning reference P0364.13). The planning permission (planning reference P0364.13) involves the part of the Briar Estate (Briar Site 6A-1) to provide 5 two-bedroom houses with ancillary car parking and turning areas (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up and divert the areas of footway (highway) shown zebra hatched to the extent of stopping up of highway on the plan Drawing Reference: 1117\_6A-1\_SO\_003 annexed to this report (“Plan 1”) and to the extent of diversion shown in stipple notation on the plan Drawing Reference: 1117\_6A-1\_SO\_004 annexed to this report (“Plan 2”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up and diversion of highway is acceptable subject to the construction of new footway (highway) by way of diversion to enable the Planning Permission to be carried out.

**RECOMMENDATIONS**

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

- 2.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched



black on the attached plan (the Plan 1) and to the extent of the diverted highway being created to the extent described by stipple notation on Plan 2 as the land is required to enable development for which the Council has granted planning permission under planning reference P0364.13 to be carried out to completion.

- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

## REPORT DETAILS

- 3.1 On 20<sup>th</sup> June 2013 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P0364.13 which involves the part of the Briar Estate (Briar Site 6A-1) to provide 5 two-bedroom houses with ancillary car parking and turning areas. The Planning Permission was issued on 30<sup>th</sup> August 2013.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0364.13 can be implemented and it involves the stopping up of three area of highway: (i) between ordnance survey points E:553535513 and N:191495058 to points E:553527159 and N:191491764 on the North East end of Coltsfoot Path a length of existing highway of 12.5 metres and 3.5 metres in width shown zebra hatched on the Plan1 annexed to this report; (ii) between ordnance survey points E:553507602 and N:191509416 to points E:563506813 and N:191491720 on the Coltsfoot Path rear of 7&8 Betony Road a length of existing highway of 17 metres and 4.5 metres in width at its widest point (2.5 metres in width at its narrowest point) shown zebra hatched on the Plan1 annexed to this report; and (iii) between ordnance survey points E:553506456, N:191483500, E:553481435 and N:191488963 to points E:553493761, N:191467927, E:553504072 and N:191467878 on central Coltsfoot Path crossing a length of existing highway of 50 metres and 3.5 metres in width shown zebra hatched on the Plan1 annexed to this report.

- 3.3 As part of the proposed order proposed new highway would be created as shown by stipple notation on Plan 2 annexed to this report. The proposed highway forming the diverted highway comprises: (i) North of 8, 73 and 75 Coltsfoot Path and south of the new terrace of 5 houses a new area of highway around proposed landscaped areas measuring 36 m long east-west and 25 m wide north-south, including a strip of highway 2 m wide to the rear of the new houses and a central area of highway 5.75 m wide between the landscaped areas (ii) a new stretch of highway 4.25 m wide and 20.5 m long north-south to the east of the new terrace of houses between OS points E 553510429, N191489374 and E553510568, N191467917 (iii) a new area of highway to the south of the new proposed area of parking and landscaping measuring 65 m long east-west and 2.5 m wide, ending at OS point E553546299, N191489470 and (iv) a new area of highway measuring 55 m long east-west from the new parking area to the existing highway at Coltsfoot Path to the east, 6.75 m wide at its narrowest point and 14 m wide at the point nearing the new car park area to the west (between OS points E553539447, N191504821 and E553594965, N191510961.
- 3.4 The development involves building on land which includes part of the said area of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan 1 needs to be formally stopped up and the diverted highway created as shown in stipple notation on Plan 2 in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until the diverted highway is created and the Order it is confirmed.
- 3.5 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and diversion of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.6 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

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

### 4.2 **Legal Implications and Risks:**

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

### 4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

### 4.4 **Equalities and Social Inclusion Implications:**

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

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

Having considered the above duty and the Human Rights Act 1998 the stopping up of the highway will not lead to a materially adverse impact.

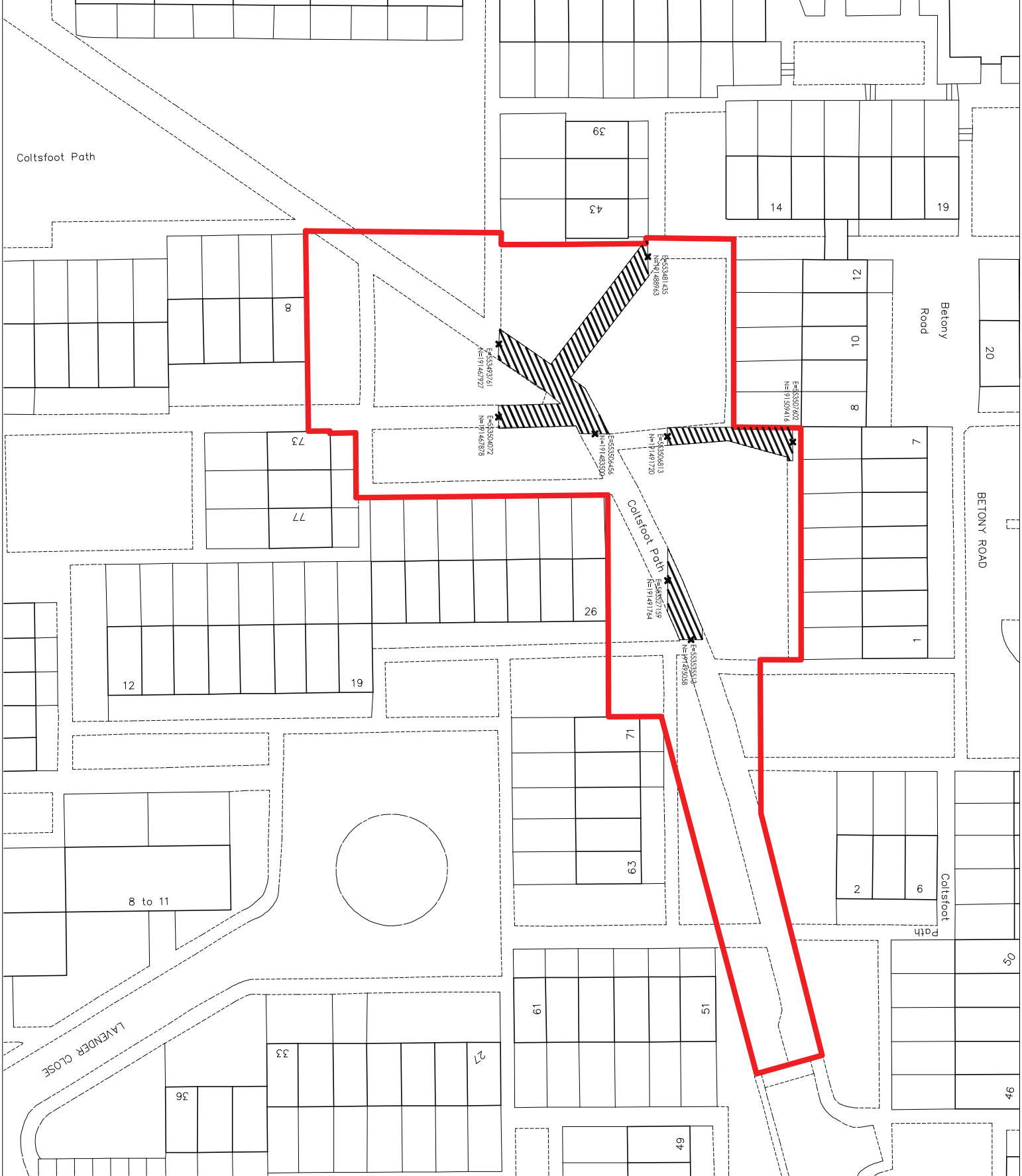
## CONCLUSION

The proposed stopping up and diversion of highway relates to an area of highway the extent of which in terms of proposed stopping up is shown zebra hatched on Plan 1 annexed to this report and the creation of proposed new highway by way of diversion, shown in stipple notation on Plan 2 annexed to this report which is necessary to enable the development of land pursuant to a planning permission (planning

reference P0364.13) which involves the part of the Briar Estate (Briar Site 6A-1) to provide 5 two-bedroom houses with ancillary car parking and turning areas (“the Planning Permission”). It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched and diversion of highway shown in stipple notation on the attached plans.

### **Background Papers List**

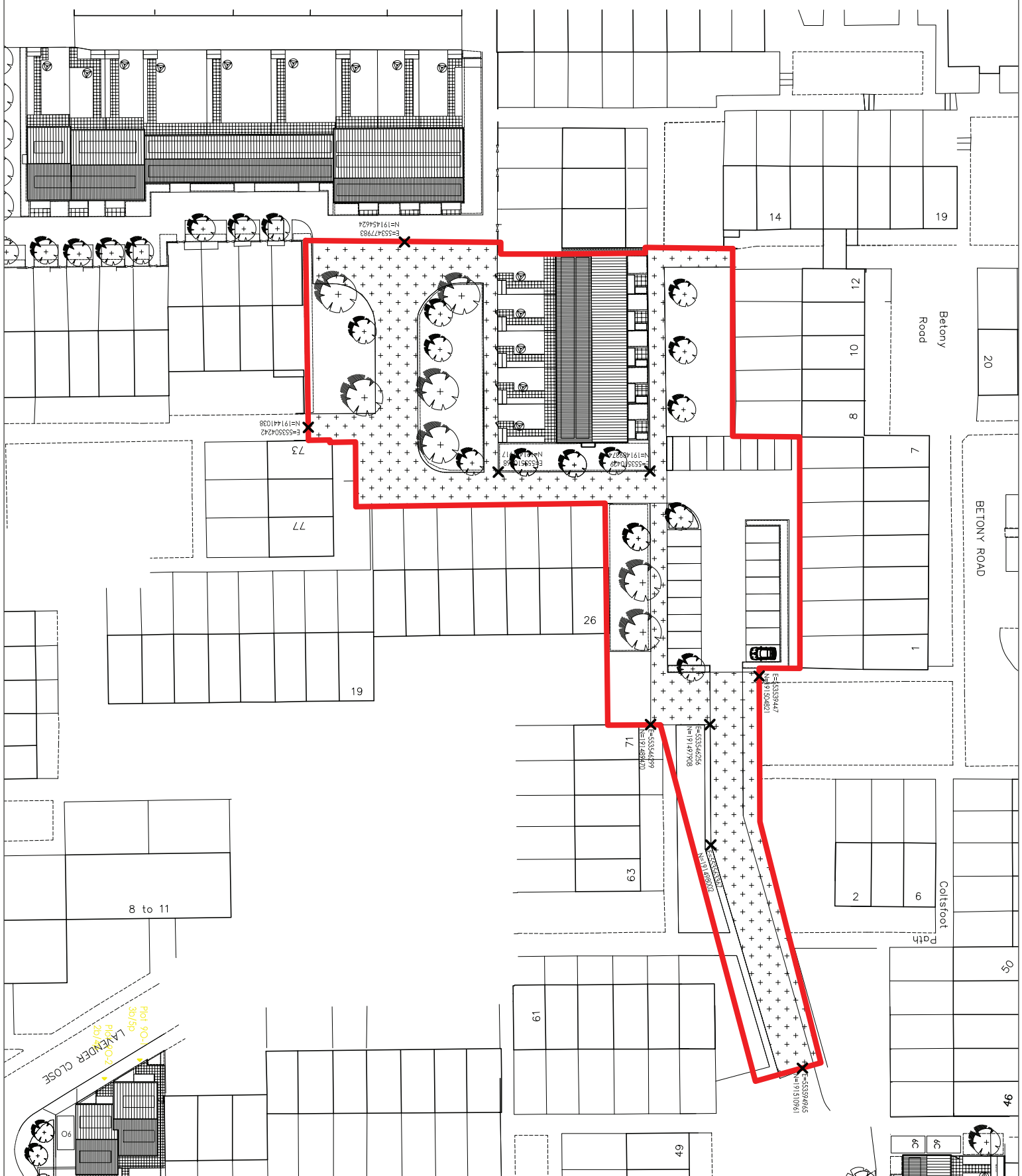
1. Report of Regulatory Services Committee of 20<sup>th</sup> June 2013 which resolved to grant planning permission under planning reference P0364.13.



- Key**
- Planning boundary
  - Existing adopted highways to be stopped up
  - X** OS Eastings and Northings
  - N** OS Eastings and Northings

<b>CLIENT</b>	Notting Hill Housing		
<b>PROJECT</b>	The Briar		
<b>DRAWING TITLE</b>	Site 6A-1 Stopping up Adopted Highways		
<b>FOR INFORMATION</b>			
<b>STATUS</b>		<b>DRAWN BY</b>	
<b>SCALE</b>	1:500@A3	<b>CHECKED BY</b>	
<b>DATE</b>	2013.08	<b>REVISION</b>	/
<b>DRAWING NO.</b>	1117_6A-1_SO_003		

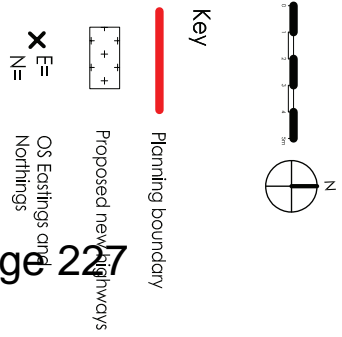
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Plot 90-1  
38/5P  
LAENDER CLOSE  
39/5P

CLIENT	Notting Hill Housing		
PROJECT	The Brick		
DRAWING TITLE	Site 6A-1 Proposed New Highway		
STATUS	FOR INFORMATION		
SCALE	1:500@A3	DRAWN BY	
DATE	20.13.08	CHECKED BY	
DRAWING NO.	1117_6A-1_SO_004	REVISION	/

DATE	REV. / DESCRIPTION	BY	CHECKED



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# REGULATORY SERVICES COMMITTEE

# REPORT

14 November 2013

<b>Subject Heading:</b>	Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway at land adjacent to Hildene North, Hildene Close, Harold Hill shown zebra hatched on the plan annexed to this report.  (Application received 22 <sup>nd</sup> August 2013)
<b>Report Author and contact details:</b>	Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk
<b>Policy context:</b>	Local Development Framework
<b>Financial summary:</b>	None

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

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

## SUMMARY

This report relates to an application received on 22<sup>nd</sup> August 2013 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P1276.12). The planning permission (planning reference P1276.12) involves the redevelopment of part-vacant 'Hildene North' site to provide 100 residential units (58% affordable housing) with ancillary car parking and associated landscaping ("the Planning Permission").

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) ("the Act") to stop up the area of footway and highway verge (highway) shown zebra hatched on the plan Drawing Reference: 10966/PARCEL A/SU/01 annexed to this report ("the Plan") that the development can be carried out. The Council's highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

## RECOMMENDATIONS

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

- 2.1 The Council makes a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway and highway verge (highway) zebra hatched black on the attached plan (the Plan) as the land is required to enable development for which the Council has granted planning permission under planning reference P1276.12 to be carried out to completion.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.

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

## REPORT DETAILS

- 3.1 On 10<sup>th</sup> January 2013 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P1276.12 for the redevelopment of part-vacant 'Hildene North' site to provide 100 residential units (58% affordable housing) with ancillary car parking and associated landscaping. The Planning Permission was issued on 24<sup>th</sup> January 2013.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P1276.12 can be implemented and it involves the stopping up of a length of existing footway and highway verge 58.36 metres in length and 7.96 metres in width shown zebra hatched on the Plan annexed to this report.
- 3.3 The development involves building on land which includes part of the said area of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan 1 needs to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up and diversion of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory

Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

## IMPLICATIONS AND RISKS

### 4.1 **Financial Implications and Risks:**

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

### 4.2 **Legal Implications and Risks:**

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

### 4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

### 4.4 **Equalities and Social Inclusion Implications:**

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

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

Having considered the above duty and the Human Rights Act 1998 the stopping up of the highway will not lead to a materially adverse impact.

## CONCLUSION

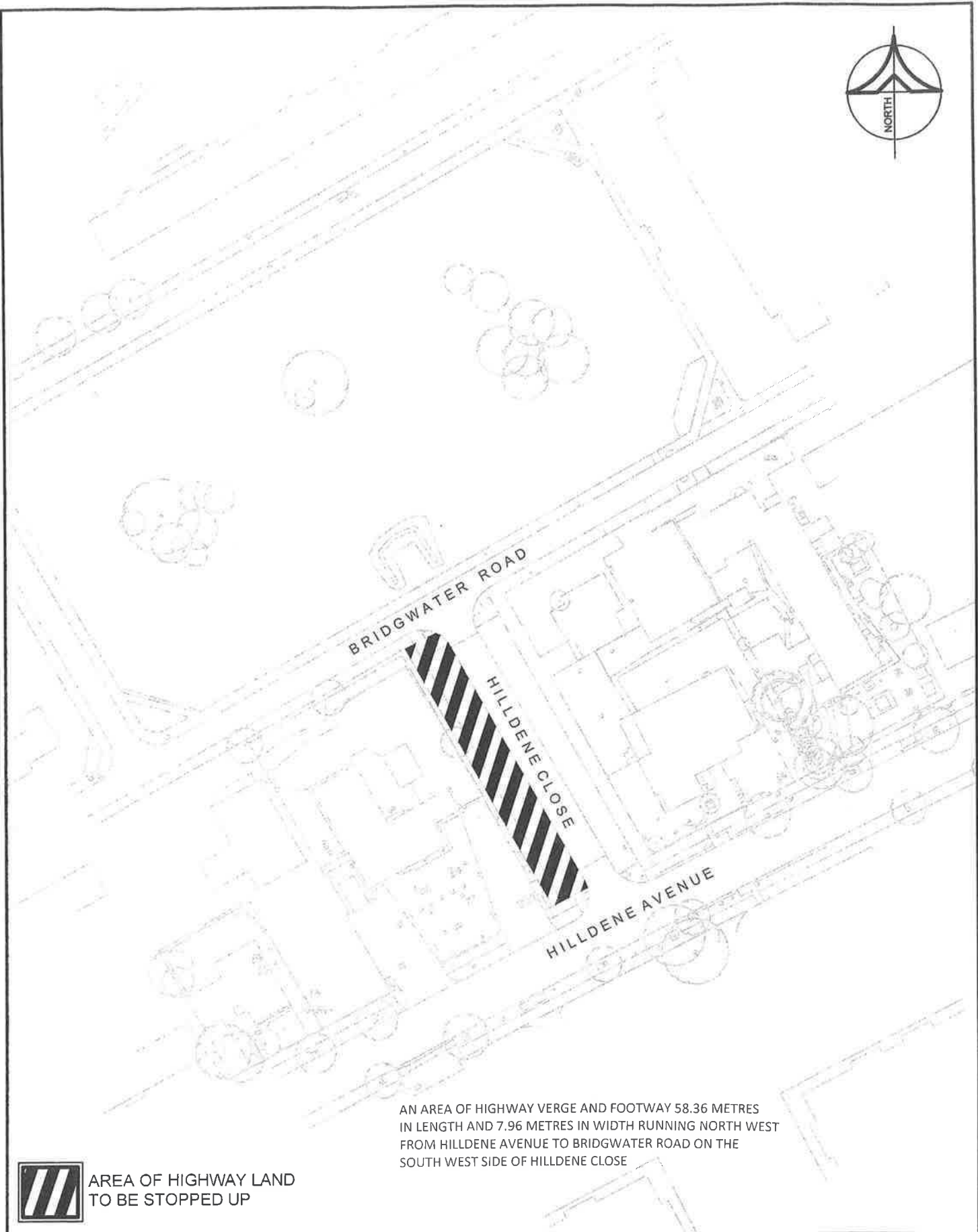
The proposed stopping up relates to an area of highway which is necessary to enable the development of land pursuant to a planning permission (planning reference P1276.12), which involves

redevelopment of part-vacant 'Hildene North' site to provide 100 residential units (58% affordable housing) with ancillary car parking and associated landscaping ("the Planning Permission"). It is therefore recommended that the necessary Order is made and confirmed to stop up the highway zebra hatched as shown on the attached plan.

### **Background Papers List**

1. Report of Regulatory Services Committee of 10<sup>th</sup> January 2013 which resolved to grant planning permission under planning reference P1276.12.

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AN AREA OF HIGHWAY VERGE AND FOOTWAY 58.36 METRES IN LENGTH AND 7.96 METRES IN WIDTH RUNNING NORTH WEST FROM HILLDENE AVENUE TO BRIDGWATER ROAD ON THE SOUTH WEST SIDE OF HILLDENE CLOSE



AREA OF HIGHWAY LAND TO BE STOPPED UP

Title LAND PARCEL A  
HILLDENE CLOSE, HAROLD WOOD.

STOPPING UP PLAN.

Scale 1:1000 | Drawn BoB | Date JULY '13 | Checked

Drawing No. 10966/PARCEL A/SU/01

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