



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
5 December 2013

Havering Town Hall,
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

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

For information about the meeting please contact:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING OBLIGATIONS/LEGAL AGREEMENTS (Pages 1 - 4)

5 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC ENQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS (Pages 5 - 24)

6 SCHEDULE OF ENFORCEMENT NOTICES (Pages 25 - 38)

- 7 **PROSECUTIONS UPDATE** (Pages 39 - 42)
- 8 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 43 - 68)
- 9 **P1152.13 - 67 CORBETS TEY ROAD, UPMINSTER** (Pages 69 - 84)
- 10 **P1062.13 - SOUTH ESSEX CREMATORIUM** (Pages 85 - 90)
- 11 **P1014.13 - HAROLD WOOD PARK PAVILLION, HAROLD VIEW** (Pages 91 - 98)
- 12 **P1061.13 - SITE AT RONEO CORNER, JUNCTION OF ROM VALLEY WAY AND RUSH GREEN ROAD** (Pages 99 - 118)
- 13 **P1135.13 - 99 FRONT LANE CRANHAM** (Pages 119 - 128)
- 14 **P0988.13 - 3 MOUNTBATTEN HOUSE, ELVET AVENUE** (Pages 129 - 138)
- 15 **P0203.13 - THE ALBANY COLLEGE, BROADSTONE ROAD** (Pages 139 - 160)
- 16 **P1250.13 - CORBETS TEY SCHOOL** (Pages 161 - 172)
- 17 **P1215.13 - TOWERS JUNIOR SCHOOL** (Pages 173 - 184)
- 18 **P0151.13 - FORMER COACH DEPOT, REGINALD ROAD** (Pages 185 - 208)
- 19 **P1072.13 - TOMKYNS MANOR, TOMKYNS LANE** (Pages 209 - 218)
- 20 **STOPPING UP ORDER - THE ARCADE HAROLD HILL** (Pages 219 - 226)
- 21 **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

22 EXCLUSION OF THE PUBLIC

To consider whether the public should now be excluded from the remainder of the meeting on the grounds that it is 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; and, if it is decided to exclude the public on those grounds, the Committee to resolve accordingly on the motion of the Chairman.

23 CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION

**Andrew Beesley
Committee Administration
Manager**

REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Details of S106 agreements can be found as a download from our web page at www.havering.gov.uk/planning. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2013

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
 - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
 - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2013.

IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements usually have either a direct or indirect financial implication.

Legal implications and risks: Significant legal resources are necessary to enable the Council to negotiate and complete legal agreements within the Government's timescale. Monitoring fees obtained as part of completed legal agreements have been used to fund a Planning Lawyer working within the Legal Department and located in the Planning office. This has had a significant impact on the Service's ability to determine the great majority of planning applications within the statutory time periods through the speedy completion of all but the most complex legal agreements.

Human Resources implications and risks: The effective monitoring of legal agreements has HR implications. These are being addressed separately through the Planning Service Improvement Strategy.

Equalities implications and risks: Planning Control functions are carried out in a way which takes account of equalities and diversity.

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REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

Planning and enforcement appeals received, public inquiries/hearings and summary of appeal decisions

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 27 July 2013 and 1 November 2013

RECOMMENDATIONS

That the results of the appeal decisions are considered and the report is noted.

REPORT DETAIL

- 1.1 Since the appeals reported to Members in September 2013, 29 new appeals have been started. Decisions on 22 appeals have been received during the same period 16 have been dismissed, 5 allowed and 1 Enforcement Notice appeal quashed.
- 1.2 Appeals received between 27 July 2013 and 1 November 2013 is on the attached list (mainly dealt with by written representation procedure).

IMPLICATIONS AND RISKS

Financial implications and risks: Enforcement action may have financial implications for the Council

Legal implications and risks: Enforcement action and defence of any appeals will have resource implications for Legal Services

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1070.12 37-39 Manor Road Romford <i>Demolition of an existing office, known as Service House, and erection of 5/6 storey block with 42 flats, with associated parking and gardens</i></p>	Hearing	Approve With Conditions	Committee	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>Dismissed</p> <p>The proposal would be wider, higher and deeper than the existing building and occupy a greater proportion of the plot. The visual impact of the proposal would be significantly greater than the neighbouring building of its more prominent position in the street scene, the reduction in the existing wide gap between the existing blocks by largely filling it with five storeys of built form. The effect would be unduly dominant and oppressive and out of keeping with the scale of neighbouring development.</p> <p>Given its scale so close to the boundary, the building would appear unduly obtrusive from flats and gardens. The Inspector was not persuaded by the evidence provided that extra traffic would be likely to give rise to unacceptable noise disturbance to residents. The proposed development would have a materially harmful effect on the living conditions of neighbouring residents, with particular reference to outlook (but not in relation to privacy or traffic noise and congestion).</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Document.</p> <p>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.</p>	
<p>P1005.12 R/O 150 Briscoe Road Rainham <i>Two bedroom detached bungalow</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height and size and position in the existing rear garden of the host property and its residential design and appearance, appear as an incongruous feature in the rear garden environment and create amenity areas which are uncharacteristically small in comparison to the more spacious gardens in the surrounding area and would therefore be harmful to the character and appearance of the area and contrary to the NPPF, Policy DC61 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD. The proposal would make inadequate provision of amenity space for future occupiers of the development, which is directly overlooked by the donor property, and is poorly designed with habitable room windows facing directly on to boundary fencing, giving restricted light and outlook to the unit. The proposal therefore achieves a poor standard of design and residential</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed bungalow would not look cramped within the site or appear overdeveloped. However a bedroom with a single obscured glazing window opening would result in unacceptable living conditions for future occupiers. The proposal would result in the neighbouring dwelling being hemmed-in by development and would be perceived as a harmfully oppressive presence.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>amenity and is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Design SDG.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.</p>	
<p>P0598.12 223-225 St Marys Lane Upminster <i>Erection of a 40 bed residential care home for the elderly, associated amenity space, access, parking and a reconfigured seating area.-Outline</i></p>	<p>Written Repls</p>	<p>Refuse</p>	<p>Committee</p>	<p>The proposed care home would, due to its height, bulk, length of continuous frontage and closeness to its site boundaries result in a cramped form of development which would have an adverse impact on visual amenity in the streetscene and be overly-dominant in the rear garden environment contrary to Policies DC5 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and SPD on Residential Design.</p>	<p>Dismissed</p> <p>It was considered that the proposal would not have materially harmful effects on neighbouring residential amenity. However the proposal has little regard to the height and scale of the adjoining residential properties, and would be taller than the neighbouring commercial building. It would have an unacceptably dominant appearance, which would be at odds with the existing street scene, due to its height, mass, relationship and close proximity to the neighbouring buildings.</p>
<p>P0272.12 Land adjacent Hare Lodge 487 Upper Brentwood Road Gidea Park Romford <i>Construction of a detached 2 storey dwelling.</i></p>	<p>Written Repls</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>Due to its poor siting and design the proposal would provide a cramped environment, out of character with the prevailing character of the local area and streetscene and would fail to preserve or enhance the Gidea Park Special Character Area, contrary to the NPPF and Policies CP18, DC61, DC69 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD.</p>	<p>Dismissed</p> <p>The area has a suburban feel and forms part of the Gidea Park Special Character Area. The Inspector had strong concerns with regard to the design of a flat roofed building so close to donor property Hare Lodge would appear out of character with and consequently would fail to preserve the character and appearance of the GPSCA. Although Modernist architecture is evident in the area, these buildings are some distance away from the appeal site and do not directly</p>

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				<p>The proposed development would, by reason of its cramped layout and rear amenity space result in poor living conditions for future occupiers of the host property contrary to the NPPF, Policy DC61 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD.</p>	<p>relate to the area within which it is situated.</p> <p>The Inspector found that proposed development would not result in a cramped layout and an adequate area of private garden would be maintained to the rear of the host dwelling but these findings did not overcome the other issues</p> <p>An application for costs against the Council was refused as the Council did not behave unreasonably in determining the planning application and the reasons for refusal have been adequately substantiated with evidence.</p>
<p>P1416.12 Magala Southend Arterial Road Romford <i>Erection of one new dwelling</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Committee</p>	<p>The proposal, by reason of its scale and siting, would result in a cramped and overly dominant development of the site, which would be harmful to the amenities of neighbouring occupiers, contrary to Policy DC61 of the Development Control Policies DPD.</p> <p>The proposal would be insufficiently accessible to emergency vehicles during potential emergencies, to the detriment of the safety of the future occupier(s) of the dwelling, contrary to Policy 7.13 of The London Plan.</p>	<p>Allowed with Conditions</p> <p>The proposed dwelling has a contemporary design that would improve the appearance of the site. Most of the surrounding buildings are larger than the proposal and despite its proximity to two of the site boundaries; there would be no harm to the living conditions of the adjacent occupiers nor would it appear cramped or overly dominant. The Inspector considered that it was not demonstrated that the proposal would result in unacceptable access for emergency service vehicles and a satisfactory legal agreement was submitted by the appellant.</p>
<p>P1315.12 31 Lovell Walk Rainham <i>Two storey side/rear extension, single storey front and rear extensions</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>In the absence of a Section 106 Legal Agreement to ensure that the occupation of the annexe is controlled, the proposal is considered to be tantamount to a new dwelling. By</p>	<p>Allowed with Conditions</p> <p>The proposal is to provide annexe accommodation to the main dwelling for the appellant's mother. The Council considered the proposal is considered to be tantamount</p>

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<p><i>all in connection with a granny annexe ancillary to the function of the main dwelling house (Use Class C3)</i></p>				<p>reason of a lack of private amenity space, the development would be harmful to the living conditions of future occupiers together contrary to Policy DC4 of the LDF Core Strategy and Development Control Policies Development Plan Document together with the Design for Living Supplementary Planning Document. 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 and the provisions of the Draft Planning Obligations Supplementary Planning Document.</p>	<p>to a new dwelling and that the sole inter-linkage could easily be removed through the bricking-up of the opening or not installing in the first instance. The Inspector considered that the Council was attempting to anticipate what may or may not happen in the future and this amounted to unsubstantiated assumptions. As the proposal is an annexe and not a dwelling, it would be unnecessary to provide a separate rear garden area for the future occupant/s.</p> <p>Finally there was no justification for requiring the appellants to provide a Planning Obligation towards the infrastructure costs associated with the development as the proposal was not forming a separate dwelling.</p> <p>An application for an award of costs was allowed. The Inspector found the Council had rested much of its reasons for refusal upon what it considered might happen in the future as opposed to determining the proposal for which the applicant has sought planning permission for. Therefore the Council acted unreasonably and the applicant incurred unnecessary expense.</p>
<p>P0749.12 Spencer Works Spencer Road Rainham <i>Demolition of existing, vacant, derelict industrial building and erection of 14x2-bedroom</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>Given the nature of the proposal, including its appearance, height, bulk, and massing in relation to the street scene, it is considered that the proposal would have a significant adverse impact on the character of the area, and that it would therefore be contrary to Policy</p>	<p>Allowed with Conditions</p> <p>The proposed development would sit far more acceptably in its visual context than the building replaced, and its construction would be a significant local environmental and visual improvement. The appeal proposal would impinge far less on neighbouring</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>apartments together with ancillary car parking, bicycle storage and refuse storage areas and residents' amenity spaces.</i>				<p>DC61 of the LDF.</p> <p>Given the siting, layout, height, and overall scale of the proposal, particularly in relation to the rear curtilage of No.1A Spencer Road, it is considered that there would be a significant adverse impact on the amenity of neighbouring occupiers particularly in relation to outlook. The proposal is therefore considered to be contrary to Policy DC61 of the LDF and the guidance contained in the Residential Design SPD.</p> <p>In the absence of a Section 106 agreement, intended to secure contributions towards local infrastructure costs, the proposal is considered to be contrary to the draft Planning Obligations SPD.</p>	<p>residents in terms of its visual impact than the existing building and for the same reasons, the outlook enjoyed from the neighbouring properties would improve. The Inspector concluded that the imposition of appropriate conditions would address concerns that the proposed development could harm the living conditions of neighbouring residents by reason of visual impact, outlook or privacy</p>
<p>P0650.12 35 Horndon Road Collier Row Romford <i>Roof extension, rear and front dormers, loft conversion and sub-division into 3 No. self-contained flats</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its inadequate provision of suitable private and easily accessible amenity space, have a serious and adverse effect on the living conditions of future occupiers, contrary to the National Planning Policy Framework and Policy DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>The proposal would, by reason of the cramped ground and first floor accommodation and lack of private amenity space for all units give rise to an overdevelopment of the site, which is out of keeping with the prevailing character of the surrounding area and</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector found deficiencies in the scheme in relation to access to amenity space, privacy and outlook. This would impact on future occupiers of the proposed flats resulting in unacceptably poor living conditions. Because of the additional pressure on infrastructure and services as a consequence of the new dwellings, a financial contribution would be necessary to make the development acceptable. No legal agreement was submitted to ensure that this is achieved.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>gives rise to a poor quality living environment, contrary to the provisions of the National Planning Policy Framework and Policy DC61 of the LDF Development Control Policies Development Plan Document.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.</p>	
<p>P0467.13 1 Church Lane Cottages Church Lane North Ockendon Upmintser <i>Fence to boundary</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed boundary failings, by reason of their height, design, length and prominent location would have a harmful impact on the existing verdant character of the boundary of the site and would be materially out of keeping in this rural location, materially harming the character and amenity of the locality and the North Ocekendon Conservation Area and contrary to Policies DC61 and DC68 of the Core Strategy and Development Control Policies Development Plan Document and the provisions of the NPPF.</p> <p>Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Amendments to the proposal were sought but were not considered to overcome the objections to the proposal. Given conflict with adopted planning policy, notification of intended refusal, rather than further negotiation, was in this case appropriate in</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector found the proposal; a lengthy set of railings, would introduce a distinct urban form into a rural setting in a prominent position within the North Ockendon Conservation Area. They would appear as a visually discordant and incongruous feature damaging to the visual qualities of the Conservation Area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				accordance with para 186-187 of the National Planning Policy Framework 2012.	
<p>P1144.12 R/O 74 Western Road Romford <i>One person one bedroom detached bungalow</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its size and position on the existing rear garden of the host property, appear isolated, result in amenity areas which are uncharacteristically small in comparison to the more spacious gardens in the surrounding area and would therefore be harmful to the character and appearance of the area and contrary to the NPPF, Policy DC61 of the LDF Development Control Policies Development Plan Document and the Residential Design SPD.</p> <p>The proposal would make inadequate provision of amenity space for future occupiers of the development. The proposal therefore achieves a poor standard of residential amenity and is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Design SDG.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.</p> <p>The proposal by reason of its layout and location fails to provide a suitably safe</p>	<p style="text-align: center;">Dismissed</p> <p>The siting of the proposal is at odds with the prevailing pattern of residential development in the area. Its siting, scale, height and form would have more in common with nearby outbuildings and incongruous in an area of otherwise ancillary or commercial uses. The small amount of external space provided, the plot would appear cramped and out of keeping. Finally the limited opportunities for natural surveillance of the property and the unlit access track to the site leave it vulnerable to crime.</p>

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				living environment, which is contrary to the objectives of community safety and contrary to Policy DC63 of the Core Strategy and Development Control Policies Development Plan Document and the Residential Design SDG.	
<p>P0199.13 49 St Mary's Lane Upminster <i>Addition of first floor extension to create house together with infill extension at ground floor to side</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its excessive overall bulk, mass and extensive roof area, be an intrusive and unneighbourly development, which would be most oppressive and give rise to an undue sense of enclosure to the detriment of residential amenity especially those occupiers of Highview Gardens, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. 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.	<p style="text-align: center;">Dismissed</p> The proposal would unacceptably harm the living conditions of occupants of neighbouring ground floor flats. The increased height and expanse of flank wall and roof form would be materially harmful as it would dominate the outlook from kitchen windows of the flats.

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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1464.12 2 Hamlet Road Romford <i>Two storey rear and side extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its design and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the visual amenities of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>Allowed with Conditions</p> <p>The Council's main concerns related to the proposed mansard roof and its proportions. The appearance of the house would be significantly altered, the extension would sit acceptably in its visual context and the separation to neighbouring dwellings is sufficient to ensure that they would not suffer any adverse effects.</p>
<p>P0170.13 98 Crow Lane Romford <i>Proposed single storey rear conservatory extension and conversion of garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its disproportionate depth, bulk and mass appear as a disproportionately large extension which is totally unrelated in scale and design to the subject dwelling and harmful to its appearance. Moreover, the development will appear as unacceptably dominant and visually intrusive within the garden scene and out of scale with its surroundings, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed extension would, by reason of its excessive depth, height and position close to the boundaries of the site, create a "wall of development"</p>	<p>Dismissed</p> <p>The Inspector considered that the proposal would not have an adverse effect on the living conditions of the neighbours. However the mass of the extension, together with its design and appearance would have an unacceptable visual impact. It would be incongruous and out of keeping with the form and style of the original dwelling.</p>

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				which would be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupier, No.96 Crow Lane contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P1489.12 124 Mildmay Road Romford <i>Installation of gates and railings to the front of the property</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its excessive height, scale and design, appear as an overly prominent 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 and the Residential Extensions and Alterations SPD.</p> <p>Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.</p>	<p style="text-align: center;">Dismissed</p> <p>The predominant character in the street is that of consistently low front boundary walls of less than 1m high. The addition of tall walls and railings, would be harmful to the dominant character and appearance of the street scene and would fail to respond appropriately to its context.</p>
<p>P1475.12 72 Crowlands Avenue Romford <i>Single storey front and side extension</i></p>	Written Reps	Refuse	Delegated	<p>The proposed extension, by reason of its size and siting, would enclose the gap between the existing flank wall of the house and the site boundary and as a result, would appear unduly cramped, to the detriment of the character and appearance of the street scene, contrary</p>	<p style="text-align: center;">Dismissed</p> <p>The extension would infill a distinctive gap between the flank wall and the highway boundary and would be prominent in views from Crowlands Avenue. It would fail to respect the existing balanced relationship with neighbouring properties appearing as an</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.	intrusive and incongruous feature on a prominent corner plot, harmful to the street scene.
<p>P0246.13 16 Burleigh Close Romford <i>Single Storey Extension to side of existing dwelling and Change of use of existing Garage to Study and Utility</i></p>	Written Reps	Refuse	Delegated	<p>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.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;">Dismissed</p> <p>The standard for such a development is between 2 & 1.5 parking spaces. The driveway is short and it was not demonstrated that two cars could park clear of the road. Inadequate on-site car parking would likely result in overspill of parking onto the adjoining road. This would be detrimental to highway safety and additional on-street parking would create greater obstructions to road users</p>
<p>P1509.12 28 Gilbert Road Romford <i>Detached Garage</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its design and position close to the pavement, well forward of the established line of building within Gilbert Road, 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.</p> <p>Statement Required by Article 31 (cc) of</p>	<p style="text-align: center;">Allowed with Conditions</p> <p>The front of the garage would be clearly visible within the street scene alongside an existing dwelling, a boundary fence to the Appeal property and against the backdrop of various trees and shrubs within the rear garden environment. Due to its siting, modest height and uncluttered appearance it would be perceived as a modest domestic building blending satisfactorily with the street scene & surrounding area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.	
<p>Y0014.13 74 Hubert Road Rainham <i>Single storey rear extension with a depth of 7m from the original rear wall of the dwelling house, a maximum height of 3.4m and a eaves height of 3m</i></p>	Written Repts	Refuse	Delegated	<p>This written notice indicates that the proposed development would not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362 and SI 2013 No. 1101). It is important to note that this written notice does not indicate whether or not the proposed development would comply with any of the other limitations of conditions of Schedule 2 Part 1 Class A.</p> <p>The applicant has the right to an appeal against this notice to the Planning Inspectorate, see details overleaf. The proposal would not be permitted development</p>	<p>Dismissed</p> <p>The appeal concerns a type of prior approval application to determine whether the proposal for a 3m deep single storey extension is considered to comply with the permitted development criteria for residential houses. The two storey semi-detached dwelling already has a 4m deep extension and this would result in a total cumulative depth from the original rear wall of 7m. The legislation states that the enlarged part of a semi-detached house must not extend beyond the rear wall of the original house by 6m. The scheme is not permitted development as it failed to comply with the criteria</p>

TOTAL PLANNING = 18

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/363/10/HW Ashlea View Tomkyns Lane Upminster Alleged unauthorised gates and fence constructed within the Green Belt	Written Reps				<p style="text-align: center;">Dismissed</p> <p>The enforcement notice is varied and subject to this variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made.</p> <p>The Inspector considered that the proposal fell within the definition of a building and therefore was inappropriate development and by definition the development is harmful to the Green Belt. The boundary treatment, particularly the close boarded timber fence, would detract from the openness of the area and the visual amenity of the Lane. The appellant's concerns about security consideration did not outweigh the identified harm and there were not very special circumstances to justify the inappropriate development.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/110/09/HW Suttons Farm Tomkyns Lane Upminster</p>	<p>Written Reps</p>				<p style="text-align: center;">Quashed</p> <p>The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made.</p> <p>The Inspector considered the raised patio and boundary treatments constituted inappropriate development in the Green Belt. During the course of the appeal, the fencing, walls, pillars and gates were reduced in height and a hedge was planted that screened the view of the fence from the lane. The Inspector identified very little harm to the openness of the Green Belt or to the purposes of including land within it and these considerations outweighed the potential harm to the Green Belt by reason of inappropriateness and as whole, very special circumstances exist which justify granting planning permission for the development.</p>
<p>ENF/203/13/HT Summerlea Noak Hill Road Romford</p>	<p>Written Reps</p>				<p style="text-align: center;">Dismissed</p> <p>The proposal to remove the tree is intended to increase off street parking for the appellants. The oak tree appeared to be in good condition with a full covering of foliage of normal size and colour and reasonably shaped crown. The benefits of removing the tree are not sufficient to outweigh negative impact of its loss particularly that there is no provision for the planting of a replacement tree.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/348/13/EM 4a Freeman Way Hornchurch	Written Reps				<p style="text-align: center;">Dismissed</p> The proposal is for the felling of a Monterey Pine. Although the tree is causing some unevenness to a driveway, this could be corrected and there is no evidence to support the claim that it is damaging a garage. The Inspector found that whilst the tree has an untidy shape this does not detract from its visual amenity and it is an important feature in the treescape in the area and its felling and replacement would be premature.

TOTAL ENF = 4

LIST OF APPEAL DECISIONS MADE BETWEEN 27-JUL-13 AND 01-NOV-13

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		18			
Total Enf =		4			
Appeals Decided =		22			
Appeals Withdrawn or Invalid =		0			
Total =		22			
		Dismissed		Allowed	
Hearings	1	4.55%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	15	68.18%	6	27.27%	

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REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

Schedule of Enforcement Notice

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 5 September 2013

RECOMMENDATIONS

For consideration.

REPORT DETAIL

Schedule A shows current notices with the Secretary of State for the Environment awaiting appeal determination.

Schedule B shows current notices outstanding, awaiting service, compliance, etc.

An appeal can be lodged, usually within 28 days of service, on a number of grounds, and are shown abbreviated in the schedule.

The grounds are:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred (as a matter of fact);
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the enforcement notice were not served as required by Section 172;
- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

BACKGROUND PAPERS

Schedule A & B.

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SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Benskins Lane east of Church Road Harold Wood Romford ENF/91/12/GS	Alleged unauthorised hardstanding	Delegated	14-05-12	14-06-12
Welstead Place Benskins Lane Romford ENF/200/11/GS	Storage of 2 mobile homes on land without the benefit of planning permission	Delegated	23-05-13	04-07-13
Land rear of 19-25 Ferndale Road, Collier Row Romford ENF/83/12/PT	Failure to implement planning condition 4 and 9 of planning reference P1734.03 as granted on appeal	Committee 27-06-13	01-08-13	14-08-13
76 Lower Bedford Road Romford ENF/460/11/HP	Unauthorised conversion of the existing bungalow with front dormers and Juliet balcony to the front which included extensions to the original rear roof and linked extensions at the first floor level over existing single storey extension	Committee 06-06-2013	12-08-13	19-08-13
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford ENF/517/13/HT	Without planning permission, the formation of residential curtilages and use of the land for single dwelling house purposes. The use of the land for the storage purposes unrelated to the use of Lakeview Park as a residential caravan park	Committee 27-06-13	13-09-13	21-10-13

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
39 Collier Row Lane Collier Row Romford ENF/476/11/PT	Alleged unauthorised building being used as a gym	Committee 12-09-13	25-09-13	31-10-13

SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Edge) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	Temporary planning permission granted until 30-04-2013. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Arnolds Field, Launder's Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance
Adj 1 Bramble Cottage, Bramble Lane Upminster	Compound and storage	Committee 27.5.04	13.02.06	13.02.06			Pursuing compliance
1 Woodlands, Brookmans Park Drive Upminster	2 Notices Development laying of hardstanding. Change of use living on land	Committee 23.2.06	5.5.06	5.5.06	Public Inquiry 06.06.06	Appeal dismissed	No action at present time Notice remains on land
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed Enforcement Notice varied 2. Use. Appeal Dismissed Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed	Pursuing compliance
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Pursuing compliance
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08 24-04-09	23.12.08 24-04-09	02-02-09 26-05-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance/prosecution
5 Nags Head Lane Kentwood	Development (5 Notices)	Committee 15-01-09	06-03-09	06-03-09	15-04-09	Appeal part allowed/part dismissed	Pursuing compliance
Manlin Broxhill Road Havering-atte-Bower	Use	Delegated 14-07-09	27-11-09	27-11-09	29-12-09	Appeal dismissed	Temporary planning permission expires 25-11-13
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Pursuing compliance
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
222 Havering Road Romford	Development	Committee 29-10-09	18-01-10	18-01-10	25-02-10	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Pursuing compliance
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	Monitoring
29 Lessington Avenue Romford	Development	Committee 20-04-10	37-07-10	28-07-10	01-09-10	Appeal dismissed	Pursuing compliance
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
7A London Road Romford	Use	Committee 02-12-10	04-03-11	04-03-11	26-03-11	Appeal Withdrawn	Monitoring
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, pursuing compliance
59/61 Warwick Road Rainham	Use	Delegated 12-07-11	22-08-11	22-08-11	17-10-11	Appeal dismissed	Pursuing compliance
County Service Station Essex Gardens Hornchurch	Use	Committee 23-06-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Notice complied with
11 Ryder Gardens Rainham	Use	Delegated 14-09-11	19-09-11	19-09-11	21-10-11	Appeal Dismissed	Pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
2A Woburn Avenue Elm Park Hornchurch	Use	Delegated 07-11-11	17-11-11	17-11-11	21-12-11	Appeal Dismissed	Prosecuted, pursuing compliance
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Pursuing compliance
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12	Appeal Dismissed	Pursuing compliance
Benskins Lane east of Church Road Cold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12		See Schedule A
Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Preparing prosecution
Ashlea View Tomkyns Lane Upminster	Use	Committee 19-07-12	28-08-12	28-08-12	28-09-12	Appeal dismissed	Notice complied with
624 Upper Brentwood Road Romford	Development	Committee 19-07-12	08-08-12	08-08-12			Notice complied with
29 Main Road Romford	Use	Delegated	26-07-12	26-07-12			Pursuing compliance
Tomykns Manor Tomkyns Lane Upminster	Development 2 Notices	Committee 07-06-12	24-08-12	24-08-12	27-09-12	Appeal Dismissed	Pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
2-8 Upminster Road South Rainham	Development	Committee 14-09-12	14-09-12	20-09-12			Pursuing compliance
Bush Farm Aveley Road Upminster	Development X 2 1 Enforcement Notice 1 Stop Notice	Delegated	20-09-12	20-09-12	18-10-12	Appeal withdrawn	Pursuing Compliance
Suttons Farm Tomykns Lane Upminster	Development /Use	Committee 06-12-12	20-03-13	21-03-13	23-04-13	Notice quashed	
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13			See Schedule A
Land rear of 19-25 Brendale Road Collier Row Romford	Breach of condition	Committee 27-06-13	31-07-13	01-08-13	14-08-12		See Schedule A
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13		See Schedule A
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Development/Use	Committee 27-06-13	13-09-13	13-09-13	21-10-13		See Schedule A
Rear of 39 Collier Row Lane Collier Row Romford	Development/Use	Committee 12-09-13	23-09-13	25-09-13			See schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13			Pursuing compliance

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REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

This report updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured
- 4 There have been one prosecution this quarter and one appeal against conviction of previous prosecution at Snaresbrook Crown Court, see Appendix 1

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions.

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

Appendix 1.

Address	Summary of Breach	Legal Action	Outcome
5 Writtle Walk Rainham	Unauthorised Use as A5 Take-away	7 August 2013 Snaresbrook Crown Court – Appeal against conviction of previous prosecution 13-04-12	Found Guilty Fined reduced from £12,500 to £7,500 Cost awarded to LBH £15,000
2a Woburn Avenue Elm Park Hornchurch	Unauthorised conversion into 4 self – contained flats.	11 October 2013 Haverling Magistrates Court	Found Guilty Fined £800.00 Cost awarded to LBH £1,545.10

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Agenda Item 8

Regulatory Services Committee

5 December 2013

Item 8

Page No.	Application No.	Ward	Address
1-12	P0469.13	Harold Wood	Land at Oak Farm, Maylands Fields, Romford
13-23	P0611.13	Brooklands	225 Rush Green Road, Romford

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REGULATORY SERVICES COMMITTEE

5th December 2013

APPLICATION NO:	P0469.13	
WARD :	Harold Wood	Date Received: 7th May 2013 Expiry Date: 6th August 2013
ADDRESS:	Land at Oak Farm Maylands Fields Romford	
PROPOSAL:	Change of Use of redundant agricultural land to burial grounds with ancillary Memorial Hall, parking, landscaping (hard and soft) and altered access layout. Additional Information received	
DRAWING NO(S):	081-0.02-010 081-0.02-001 081-0.02-002 081-0.02-003 081-0.02-004 081-0.02-011 081-0.02-012 081-0.02-013 081-0.02-014 081-0.02-020 081-0.02-021 081-0.02-022 081-0.02-023 081-0.02-024 081-0.02-030 081-0.02-031 081-0.02-032 081-0.02-033 081-0.02-034 081-0.02-005	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

This planning application has been called in by Councillor Lesley Kelly owing to the sensitive nature of the proposal.

SITE DESCRIPTION

The site is an irregular shaped area of land measuring approximately 11.5ha in area and comprising a TPO-protected woodland, semi-improved grasslands, and scrubland located within the Green Belt. The site is designated as a Metropolitan Site of Nature Conservation Importance and includes areas at its southern extent, located in Flood Zones 2 and 3. The site has a natural and rural appearance.

The western boundary runs alongside residential properties located along Maylands Way, John's Terrace, Craven Gardens, and Mount Avenue. The northern boundary adjoins the A12, whilst

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the southern and eastern boundaries run alongside the River Ingrebourne. Part of the eastern boundary adjoins a site in residential use, which is located alongside the A12 and benefits from a temporary planning permission.

The afore mentioned woodland, known as Oak Wood, covers a significant area through the centre and southern areas of the site. The semi-improved grasslands are predominantly located at the western side of the site. Extensive belts of vegetation run along the northern and western boundaries, screening the site from the A12 and a residential area. An agricultural storage building is located at the eastern end of the site. The site is accessed from the A12 and generally slopes down from the north to the south.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of the site to a cemetery, primarily for Muslim burials. The proposal would involve the creation of extensive, formal burial areas across the grass and scrubland areas in the western, northern, and eastern areas of the site. Woodland burial plots are also proposed.

The proposal would also include the erection of a single storey security building at the proposed new access to the site; a two storey building around the centre of the site, comprising male and female prayer halls, offices, storage, and toilets, along with outdoor male and female courtyards; a waste storage area; various shelters; two piers that would extend over the floodplain of the River Ingrebourne at the southern end of the site; extensive perimeter fencing; CCTV equipment; a 120 space car park; and a network of footpaths and roadways providing access throughout the site, including the woodland.

The submitted information does not provide a figure for the number of burial spaces to be created, but given the typical densities of similar facilities elsewhere in the region, it is estimated that the number to be provided would be in the thousands. The proposal would retain the existing storage building located at the eastern end of the site. The proposed facility would be accessed from the west-bound A12, with a proposed service area being accessed directly from the A12 slip road, and the main public entrance being taken directly from the A12..

Land raising operations associated with the proposed buildings would be upto a height of around 2m. The proposed security building would measure approximately 4m in height and measuring around 75sqm in area; the two storey building would have a maximum height of around 8.5m and an footprint of 270sqm. The courtyard areas to the front and sides of the two storey building would be enclosed by screen walls measuring between 2.5m and 8.5m in height. The boundary walls along the A12 would be constructed of brick and metal, and would be between 2m and 4m in height.

RELEVANT HISTORY

The agricultural storage building located at the eastern side of the site was granted planning permission in 2004:

P0240.03 - Erection of barn and corral and creation of new driveway - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 240 neighbouring properties; a site notice was placed in the vicinity of the site and advertisements have been placed in the local press.

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167 objections have been received to date from local occupiers, on the following grounds:

- a) The proposal would be detrimental to the Green Belt;
- b) Adverse noise impacts would be harmful to neighbouring amenity;
- c) The proposal would result in an intensification of the use of neighbouring residential roads;
- d) Insufficient vehicle parking would be provided;
- e) The proposal will result in the loss of protected trees;
- f) The proposal is not suitable in a residential areas;
- g) The proposal would result in the loss of a local recreation attraction that has been used by residents for many years;
- h) The proposal would give rise to highway safety issues;
- i) There are other, more suitable sites where the proposal could take place;
- j) There is insufficient demand for the proposal;
- k) The proposal would be harmful to wildlife in the local area;
- l) Havering has a small Muslim population and the proposal would not serve local people;
- m) The proposal could cause contamination to the neighbouring watercourse.

One letter of support has been received.

Comments have been received from the following consultees:

Brentwood Council - No objections.

Essex and Suffolk Water - No objections.

Natural England - No objections.

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

Environmental Health (Air Quality) - No objections; condition recommended.

Highways - No objections.

Transport for London - No objections, subject to the completion of a highway agreement.

Environmental Agency - No objections; condition recommended.

Highways Agency - No objections.

English Heritage - Additional information required prior to determination.

RELEVANT POLICIES

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

- CP8 - Community Facilities
- DC22 - Thames Chase Community Forest
- DC31 - Cemeteries and Crematoria
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC48 - Flood Risk
- DC53 - Contaminated Land
- DC55 - Noise

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DC58 - Biodiversity and Geodiversity
DC59 - Biodiversity in New Developments
DC60 - Trees and Woodlands
DC61 - Urban Design
DC63 - Delivering Safer Places
DC70 - Archaeology and Ancient Monuments

The London Plan

Policies 7.16 (Green Belt), 7.19 (Biodiversity and Access to Nature), and 7.23 (Burial Spaces)

National Planning Guidance

National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The proposal would result in the erection of new buildings with a combined floor space of 488sqm, which would give rise to a contribution of £9760 under the Mayoral CIL Regulations.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

Policy DC31 of the LDF states that the Council will support the provision of new cemeteries to address the borough's needs.

The Site is located in the Metropolitan Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including cemeteries, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.

In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

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

In terms of Green Belt policy, this application proposes the material change of use land, along with building and engineering operations. Each type of development will be considered in turn.

Material Change of Use

It is considered that the proposed change of use, which would involve the eventual laying out of

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thousands of graves, a car park, and the siting of a waste storage area would be detrimental to the openness of the Green Belt. Moreover, one of the purposes of including land in the Green Belt involves "safeguarding the countryside from encroachment." The submitted information states that Muslim burials are of a less intrusive nature as they do not involve the use of headstones. However, it has been observed, at existing Muslim cemeteries, including the Gardens of Peace facility in Hainault, that Muslim burials do involve the addition to graves of artificial mounds, which are created using a concrete-like material. The result, when many such graves are laid out, is a formal and urban appearance.

In any case, the guidance contained in the NPPF is that only specific forms of development are not inappropriate in the Green Belt. As this type of development is not listed as potentially constituting appropriate development in the Green Belt, the implication is that the proposed change of use would constitute inappropriate development in the Green Belt.

Building Operations

Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt need not be inappropriate where they relate to the provision of appropriate facilities for cemeteries, providing they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed building operations would include the erection of extensive perimeter fencing; a two storey building, complete with prayer rooms, courtyards, offices, storage, and toilets; a single storey building at the site entrance; a waste storage area; various shelters; along with two pier structures that would project towards the River Ingrebourne. The proposed building works are considered to be appropriate for the site's proposed use as a cemetery, however, it is difficult to conclude that the proposed structures, given their overall scale, would not be detrimental to the openness of the Green Belt. It is therefore considered that the proposed buildings would be detrimental to the openness of the Green Belt, and conflict with the purposes of including land in the Green Belt.

Engineering Operations

Paragraph 90 of the NPPF states that the undertaking of engineering operations in the Green Belt need not be inappropriate providing they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. The submitted information does not include details of changes to the general land levels at the site, although submitted cross sections do indicate that there would be modest level changes in association with the proposed buildings and piers, owing to the need to mitigate against the site's gently sloping nature. It is considered that the remainder of the development could be undertaken without significant level changes, and a condition could be imposed, should planning permission be granted, requiring the approval of proposed overall site levels. The proposed level changes that are indicated in the submitted plans are considered to be of a modest nature, and would not be harmful to the openness of the Green Belt, or conflict with the purposes of including land within it.

The proposal would also involve the laying of extensive areas of hardstanding, for use as a car park, access roads, and footpaths. It is considered that the proposed areas of hard surfacing would not be significantly detrimental to the openness of the Green Belt, but would conflict with the purposes of including land in the Green Belt, given that they would contribute to an urbanising effect that would amount to an encroachment into the countryside.

It is considered that the proposal, by reason of the proposed change of use, building, and engineering operations, would result in inappropriate Green Belt development. It is therefore necessary for the applicant to demonstrate very special circumstances that clearly overcome the

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harm to the Green Belt, by reason of inappropriateness and other harm. The applicant has submitted very special circumstances, which will be considered further on in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located in the Green Belt. Neighbouring occupiers have objected to the proposal on the grounds that it would have an adverse visual impact.

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The site is considered to have a natural character, having the appearance of undeveloped countryside that makes a significant contribution to the visual amenities of the Green Belt. The proposed development would result in permanent changes to the appearance of the site, which currently comprises woodland and open, semi-improved grassland. The proposal would result in the erection of two buildings, fencing, the creation of thousands of graves, with their associated mounds, and the laying of extensive areas of hard surfacing.

It is considered that the proposal would have an urbanising effect on the site and significantly diminish its natural character. Views into the site, particularly from the A12, and from within the site, are likely, over time, to have an increasingly formal, developed, and concrete appearance, even with the extensive use of landscaping and retention of existing vegetation. The proposed, rather harsh, boundary treatment would also affect the character of the Site, particularly given the extensive trees and hedgerows that currently screen the site from the A12.

It is considered that the proposal would, owing to the scale, extensive nature, and urban character of the proposal, be detrimental to the visual amenities of the Green Belt and the natural character of the site and that it would therefore be contrary to Policy DC61 of the LDF.

IMPACT ON AMENITY

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

Neighbouring residential occupiers have objected to the proposal on the grounds that the proposal would give rise to unacceptable noise impacts and would be inappropriate in a residential area.

The nearest residential property to the site is located immediately to the east and comprises a mobile home, which has a temporary planning permission that will expire in February, 2016. To the west, the nearest residential properties are located along Maylands Way, Craven Gardens, Mount Avenue, and John's Terrace. The western extent of the proposed burial area would be located approximately 20m from the rear gardens of these properties, and 30m from the dwellings. Currently there is a belt of vegetation located immediately to the east of these properties, and the submitted plans indicate that such screening would either be retained or newly planted. It is considered unlikely that the proposal, particularly where it is located near to residential properties, would result in any significant increase in noise levels over above what neighbouring occupiers are already affected by. It is considered that the proposal would not result in any other significant adverse impacts on the amenities of neighbouring occupiers, and that in this regard, the proposal is in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

Neighbouring occupiers have objected to the proposal stating that there would be insufficient

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vehicle parking provided and that it would be detrimental to highway safety.

The proposed facility would be accessed from the west-bound A12, with a proposed service area being accessed directly from the A12 slip road, and the main public entrance being taken directly from the A12. The site is considered to have low public transport accessibility. The proposal would include the provision of 120 space car park, which compares favourably to the parking provision at the similarly sized Hainault facility. According to the submitted information, the Hainault car park is rarely filled, and on those occasions when it is, additional parking is accommodated on the site's internal road ways, and is successfully managed by site staff. The proposed parking arrangements are considered sufficient to accommodate the site's proposed future use, and parking within the nearest residential areas is considered unlikely. A safety audit of the proposed access points onto the A12 concludes that the proposal would not result in any significant adverse impacts on highway safety.

The Council's Highway officers, the Highways Agency, and Transport for London have all been consulted about the proposal with no objections being raised. Transport for London are satisfied that any concerns they have could be addressed through the completion of a highway agreement subsequent to the grant of planning permission.

A condition can be imposed, should planning permission be granted, requiring the applicants to enter into an agreement with the highway authority relating to proposed changes to the highway. Conditions are also recommended requiring the approval of details in relation to a construction method statement, bicycle storage, and wheel washing facilities.

OTHER ISSUES

Contaminated Land and Air Quality

In terms of contaminated land and air quality, the Council's Environmental Health officers have raised no objections to the proposal, subject to the use of conditions should planning permission be granted.

Flood Risk

Parts of the site are located in Flood Zones 2 and 3, and the site is, in any case, over one hectare in area. A flood risk assessment has been submitted with the application and scrutinised by the Environment Agency. No objections are raised subject to the use of conditions, which can be imposed should planning permission be granted.

Archaeology

Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for preservation and recording of archaeological remains in situ or through excavation. English Heritage have been consulted about the proposal and, in the absence of any submitted archaeological investigations, have recommended that an archaeological field evaluation be undertaken in advance of a planning decision being made, such that the impact of the proposal can be properly determined. In the absence of sufficient information relating to the proposal's impact on potential archaeological remains, it is not possible to determine whether the proposal would be in accordance with the guidance contained in the NPPF. The applicants have been advised that this matter will constitute one of several reasons for refusal, and that it could be addressed through the submission of additional information.

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Nature Conservation

The site is designated as a Metropolitan Site of Nature Conservation Importance and comprises a significant area of woodland, along with open, semi-natural grasslands and scrubland. Neighbouring occupiers have objected to the proposal on the grounds that it would be harmful to local wildlife. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. Policy 7.19 of the London Plan states that in the determination of planning applications, planning authorities should "... give strong protection to Sites of Metropolitan Importance for Nature Conservation." Policy DC60 of the LDF states that the amenity and biodiversity value afforded by trees and woodland will be protected and improved by, where appropriate, retaining trees of nature conservation and amenity value, and not granting planning permission for development that would adversely affect ancient and secondary woodlands.

Natural England were consulted about the proposal but raised no objections, although Natural England's remit primarily concerns nationally designated sites such as SSSIs and protected species.

Ecological surveys have been submitted, concluding that the proposal would not result in significant adverse impacts to those protected species considered. It is concluded that the loss of habitats, mainly grasslands and scrub considered to be of minor ecological value, would be offset by the inclusion in the scheme of a floodplain area alongside the River Ingrebourne. However, the submitted information does not quantify the ecological value of the grassland or scrubland and it is therefore difficult to ascertain how the conclusions of the assessment were reached. The Council's Nature Conservation officer considers that there is insufficient information to determine whether or not the proposal would have an acceptable impact upon the ecological value of the SNCI, and therefore whether the proposal is in accordance with Policy DC58 of the LDF or 7.19 of the London Plan.

The submitted information states that the proposal would result in the direct loss of 91 trees. However, the proposal would also involve a network of footpaths along with woodland burial spaces. There is a lack of information provided about the number of proposed woodland burial spaces, the form they would take, and their precise location. The nature and extent of the proposed woodland footpaths is also unclear. It is likely that these elements of the scheme would harm trees over time by root damage and/or ground compression and it can be expected that trees would progressively have to be removed in order to facilitate access to the woodland burial sites. The natural regeneration of the woodland is likely to be halted through this type of use which would be contrary to the aspirations of Policy DC60 of the LDF.

Equality and Diversity

The proposal is for a burial ground catering predominantly, if not entirely, for those of the Muslim faith, for whom burials are a religious requirement. The need for burial spaces amongst the Muslim community is a material consideration. The need for the proposed development will be given further consideration below, as part of the assessment of very special circumstances.

Other Considerations

Neighbouring occupiers have stated that the proposal would result in the loss of a local open space enjoyed by the public. The submitted information does state that the site would be open to the public, although access would be limited to the facility's opening times. The site is privately owned, and in the absence of established public rights of way across the site, members of the

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public would not be entitled to enter the site except with the permission of the landowner. The proposal could therefore result in an improvement to public access.

However, the site is currently the subject of an application under Section 53 of the Wildlife and Countryside Act 1981, for the establishment of public rights of way across the site. This application is being assessed by the Council's legal officers. Counsel advice is that a planning application can be assessed and determined on its own merits, separately from the outcome of a public rights of way application. It has been explained to the applicant that if the public rights of way being applied for are granted, and conflict with any proposed layout and security fencing that is granted planning consent, then it may not be possible for the applicant to lawfully implement their planning permission.

Green Belt - Very Special Circumstances

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

Given the scale and intense nature of the proposed development and the urbanising effect it would have, including the erection of buildings, engineering operations, and use of the land that would involve the laying out of formal grave spaces and car parking, it is considered that the proposal would constitute inappropriate development in the Green Belt. The other harm identified in this report includes the impacts the proposal would have on the visual amenities of the Green Belt, and the potential impacts the proposal would have on a Site of Nature Conservation Importance, a secondary woodland, and on archaeological deposits.

The applicants have submitted very special circumstances that focus on the need for the development in relation to the borough's and wider region's requirement for new burial spaces, considering existing and future supply and demand. The first question then concerns whether there is a demonstrable need for the development. Is there robust and convincing evidence, concerning the existing capacity for burial spaces and anticipated future burial rates, both within the local area and wider region, to support the development of a new facility in Havering?

Policy 7.23 of the London Plan states that:

"Boroughs should ensure that provision is made for London's burial needs, including the needs of those groups for whom burial is the only option. Provision should be based on the principle of proximity to local communities and reflect the different requirements for types of provision."

The applicants cite a 2013 study undertaken by the London Borough of Havering, which anticipates increases in the proportions of elderly people and of ethnic minorities within the borough in the long term, including the Muslim population. These factors, it is stated, mean there will be an increased demand for burial spaces within the borough in future. A separate study estimates that, between 2010 and 2030, 39,958 deaths will occur in Havering, of which 10,500 will require burial spaces. However, only 5716 burial spaces are being provided as part of the recently approved Upminster Cemetery extension. It is stated that, with a burial rate of 500 per annum, the additional spaces created at Upminster will be exhausted by 2024. The submitted information then goes on to say that, within Havering, the Muslim population will have increased by 30% by 2030, and will be responsible for 2% of all burials. It is unclear how, with a burial rate of only 2% by 2030, there can be a need in advance of that date for thousands of new burial

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spaces.

Having considered the burial situation locally, the applicants then also consider supply and demand within the wider region. It is widely agreed, and stated in the London Plan, that the demand for burial spaces is outstripping supply in Greater London. A number of the inner London boroughs have already exhausted their burial space, and this does put pressure on the outer London boroughs to provide additional burial spaces, although Policy 7.23 of the London Plan indicates that provision should be based on proximity to local communities. There are already two dedicated Muslim burial grounds within or close to East London. The submitted information states that the facility at Waltham Forest is close to being exhausted, whilst the burial ground in Redbridge only has 40% capacity left. No information has been provided about the anticipated rate of burials at these facilities, or when it is anticipated that they will be exhausted.

The submitted information does not provide clear evidence about the availability of burial spaces in East London; the rates at which they are being taken up; and therefore how many burial spaces are anticipated to be required, in particular, for Muslim burials, which are the subject of the current application. To the extent that the application discusses supply and demand within Havering, the conclusion seems to be that only 2% of approximately 500 annual burials would be accounted for by Muslims by the year 2030. There is also some inconsistency between the claims made in the submitted information, and the estimates of the Council's officers in relation to the provision of burial spaces. The borough is in the process of providing, what officers estimate at current burial rates, to be 20 years of new burial capacity at Upminster, which could, in future, include provision for Muslims if a need is identified. Moreover, the Muslim burial spaces at Romford Cemetery, which are not referred to in the submitted information, are considered by Council officers to be in low demand.

It is considered that the submitted information makes an unconvincing case for the provision of a significant new Muslim burial facility, not only in Havering, but in East London.

Even if a need for the development were to be convincingly demonstrated, then the next stage in justifying the proposal would be to justify the proposed redevelopment of greenfield land located in the Green Belt. A thorough analysis of other potential sites both in Havering and Greater London should be provided. If it were possible to demonstrate that previously developed sites (preferably outside the Green Belt, but failing that, within the Green Belt) were unsuitable, then there may be a justification for the redevelopment of an undeveloped, Green Belt site. However, no such information has been provided.

The applicants also state that the proposal would provide public access to an area of ecological value, however, this would presumably only be permitted within the facility's opening times, and until the afore mentioned public rights of way application is determined, it is unclear that this aspect of the proposal would confer any additional public benefit compared to if the site remained undeveloped.

It is concluded that sufficient very special circumstances, that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm, have not been demonstrated in this case.

KEY ISSUES/CONCLUSIONS

The application proposes inappropriate development in the Green Belt, which it is considered would also be detrimental to the visual amenities of the Green Belt and the applicant has not

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submitted very special circumstances that convincingly outweigh the harm to the Green Belt, by reason of inappropriateness and other harm, as required by the guidance contained in the NPPF. It is also considered that the proposal could have detrimental impacts on archaeology, protected trees, and the status of a Site of Nature Conservation Importance.

The application under consideration has been assessed in accordance with planning policy and guidance, and has had regard to recent appeal decisions for similar development in the Green Belt.

The proposed development is considered to be unacceptable having had regard to Policies CP8, DC22, DC31, DC33, DC45, DC48, DC53, DC55, DC58, DC59, DC60, DC61, DC63, and DC70 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposed material change of use, building operations, and engineering operations would result in development that is detrimental to the openness of the Green Belt, and conflict with the purposes of including land in the Green Belt. The proposal would therefore constitute inappropriate Green Belt development, and in the absence of very special circumstances that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and other harm, the proposal is considered to be contrary to the guidance contained in the National Planning Policy Framework.

2. Refusal non standard condition

The proposed structures, burial areas, hardstandings, and car park would result in significant harm to the natural appearance and character of the site, and to the visual amenities of the Green Belt. The proposal is therefore considered to be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

3. Refusal non standard condition

Insufficient information has been submitted to enable the ecological impact of the proposal to be properly assessed, particularly in relation to the loss of grassland and scrubland habitats. Therefore, it is not possible to determine whether the proposal would be in accordance with Policy DC58 of the Core Strategy and Development Control Policies DPD, and Policy 7.19 of the London Plan. Moreover, it is considered likely that the proposed woodland burial area and network of footpaths would result in significant harm to trees forming part of a secondary woodland. The proposal would therefore be contrary to Policy DC60 of the Core Strategy and Development Control Policies DPD.

4. Refusal non standard condition

Insufficient information has been submitted to enable the archaeological impact of the proposal to be properly assessed. In the absence of such information, it is not possible to determine whether the proposal would be in accordance with Policy DC70 of the Core Strategy and Development Control Policies DPD.

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1 Refusal - Amendments requested not made

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £9,760. Further details with regard to CIL are available from the Council's website.

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APPLICATION NO:	P0611.13	
WARD :	Brooklands	Date Received: 5th July 2013 Expiry Date: 30th August 2013
ADDRESS:	225 Rush Green Road Romford	
PROPOSAL:	Change of Use from Residential to Nursery School with breakfast/ afterschool club with two-storey side extension and single-/two-storey rear extension. Revised Plan received 22/10/2013	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called in by Councillor Benham on the grounds of resultant traffic, parking problems and the nature of the proposed use.

SITE DESCRIPTION

The site comprises a two-storey end of terrace 3 bed residential property on the eastern side of the junction with Phillip Avenue.

The surrounding area is mainly residential comprising two-storey terraces to this side of Rush Green Road with flats to the north and in Dagenham Road, however opposite the site to the north-east is Brady House, the Council's Meals on Wheels Service, and further east is the shopping centre at the crossroads with Dagenham Road.

There is a single garage to the rear and a gate to the front with hardstanding for a second vehicle, this particular section is within the London Borough of Barking & Dagenham as the boundary between the two boroughs is divided within the rear garden of the application property.

DESCRIPTION OF PROPOSAL

The application is for the change of use from C3 (Dwelling) to D1 (Day nursery).

The nursery would employ 5 full time members of staff at a single time and would cater up to 20 no. 3 month - 5 year old children, and offer a breakfast/after school facility for children of 5 years and over, up to 11 years old.

The proposed opening hours would be 7.30am to 6.30pm Monday - Friday. The Nursery would be closed on Saturdays, Sundays and Bank Holidays.

The scheme was revised on two occasions, the final design showed the following changes from the original;

The changes from the original proposal consisted of reducing the size and bulk of the two storey side/rear extension and alterations to vehicle parking and drop-off point to the rear of the site

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and additional off-street parking space to the front with installation of a dropped kerb.

The proposal involves the erection of 2 storey side extension measuring 8 metre deep, 3 metres wide at ground floor, 2 metres wide at first floor, to a height of 8.5 metres and a single storey side at 3 metre deep. This would adjoin the proposed 2 storey rear elevation which would be 3 metres deep, 3.3 metre wide, to height of 7 metres with hipped roof. The proposed single storey rear extensions would be approximately 2.8 metres high and 3 metres deep.

To the rear of the extension would be the main outdoor play area for the nursery where it would contain landscaping and a 2 metre fence along the boundary with No.227.

The hard standing to the front of the site would be reconfigured and installed with an additional off-street parking space enabling 2 members of staff to park. The rear garden and existing garage would be altered to create an additional 3 staff car parking spaces and parent drop-off point with another proposed vehicular crossover and dropped-kerb. The majority of the proposed car parking and drop-off point for the nursery to the rear of the site would be on the southern side of Havering's boundary within the London Borough of Barking & Dagenham. The applicant is required to make a separate planning application to Barking & Dagenham.

The total site area measures at 350 square metres, the footprint of the proposed nursery following extensions would be 113 square metres, the play area would be 75 square metres and the car parking to the rear would be 115 square metres.

RELEVANT HISTORY

No related planning history on this particular site.

CONSULTATIONS/REPRESENTATIONS

62 neighbouring properties were consulted on the application, the responses are from the revised plans. The initial consultation went out on the 7th July 2013, followed by the reconsultation on revised plans on 3rd October 2013, and 18th October 2013 on the final revisions.

Over the the three separate consultation dates there has been 42 letters of objection in total, their comments are summarised as follows:

- Noise and Disturbance from additional people within the proposed nursery
- Inadequate stopping facilities for vehicles in relation to the new use
- Inadequate parking provisions for staff, parents and other visitors
- Traffic Issues and Congestion as a result of the additional vehicles
- Inappropriate location for Nursery within a residential area
- Congestion would impact on emergency services

The above points are addressed under the paragraphs below 'Amenity' and 'highways'.

1 letter of support commenting that (In brief);

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-The proposal would support young families by saying the proposal would support parents going back to work and create employment opportunities in the local area. Most families taking their children to this nursery may be local, and may not all be driving, some may take public transport due to the excellent transport links.

Highways- No objections subject to appropriate conditions and informatives.

Rush Green Resident's Association Group - Objections from covenant on the estate; restriction in access; pedestrian safety from vehicles that may arise from the proposal.

Waste & recycling team -Require bin storage (prior to revisions which now include them)

Early Years Department - Support - Havering is duty-bound to deliver Section 13 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.

London Borough of Barking & Dagenham - The rear part of the garden is within this borough. As such, a separate application needs to be submitted to my borough in respect of the change of use of that part of the site which is outside your borough boundary.

RELEVANT POLICIES

LDF Core Strategy and Development Control Policies Development Plan Document.

CP8 (Community Facilities)
CP17 (Design)
DC1 (Loss of Housing)
DC26 (Location of community facilities)
DC55 (Noise)
DC61 (Urban Design)
DC62 (Access)
DC63 (Delivering safer places)

London Plan (2011)
Policy 7.4 (Local character)

NPPF
Chapters 7 (Requiring good design) and 8 (Promoting healthy communities)

MAYORAL CIL IMPLICATIONS

The nursery building is exempt from CIL payments as it would be of an educational use and the proposed extensions 45 square metres Gross Internal Floor Area (Ground floor), 19 square metres (first floor) would amount to under 100 square metres floor area. As such the CIL liability would be zero.

STAFF COMMENTS

The application seeks full planning permission for a children's day nursery with play space, new car parking and drop-off area to the rear.

There is no specific definition given in planning legislation for the term "creche", "Nursery" or "pre-school playgroup" however the following is a broad description which would cover the uses:

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"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 creches fall within a use class group called D1 - "Non-residential institutions".

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. Havering's 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 this area.

PRINCIPLE OF DEVELOPMENT

The site does not fall within any pertinent policy areas as defined by the Havering LDF Proposals Map. The proposal would result in a loss of residential housing.

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

LDF Policy DC1 states 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 and education, which are necessary to meet the specific needs of the community; or
- The proposal is necessary to deliver mixed and balanced communities.

Nurseries are accepted as being community facilities, where there is a requirement for 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 covered by child minders. This nursery would contribute, albeit in a small way to providing for the significant shortfall of places.

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

The 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

The proposed change of use is assessed within this report and staff consider that the proposed

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change of 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.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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.

The revised side extension would comply with the Residential Extensions and Alterations SPD in that it is stepped down from the ridge and the first floor is set back by 1 metre from the main front elevation. The rear extension is also considered subservient in that it is single storey and 3 metres in depth. The proposed extensions would replicate the extension on No.223 Rush Green Road.

The proposed extensions would be constructed in brick/render walls and tiled roof, to match the existing main property and would be in-keeping with the existing appearance of the streetscene.

Final details of boundary treatments, enclosures and landscaping would be needed to be finalised via condition, with further information to be submitted and approved by the Local Planning Authority.

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.

IMPACT ON AMENITY

Policy DC26 supports community uses which do not have a significant adverse impact on residential character and amenity. In particular, care should be taken to ensure that no adverse noise and disturbance is caused to neighbours resulting from the arrival and collection of children at the front of the property or on the highway immediately in its vicinity from early in the morning to early evening.

The proposal would most likely to affect the adjoining neighbour at No.227 Rush Green Road.

As a semi-detached corner property, the proposal would result in some degree of noise and general disturbance to the adjoining neighbouring properties from noise being carried from within the building. However, given the revised layout and design and proposed conditions, staff do not consider any noise to be of such a nature as to warrant a refusal.

Noise would also be generated by outdoor play activity. 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 was generated by the existing residential use. Staff do not consider the noise generated by outdoor play would be to such a degree as to warrant a refusal.

The play area would be situated approximately 1m off the residential boundary with No.227. A

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condition would also be added to restrict the amount of children at any one time using the garden to 7.

The existing size of the property and the number of children proposed are considered sufficient to accommodate the nursery without a significant impact on neighbour's amenities. It is therefore not considered that the relationship of the application site with adjoining and nearby residential properties is one for concern.

Opening hours for the nursery will be 6.30 to 18.30 hours Monday to Friday, and not at all on Saturdays, 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.

The permission would contain a condition restricting the use of the property as a children's nursery only to ensure that no other D1 use could occupy the building in the future. Also a condition would be added so that the maximum number of children accommodated within the premises shall not exceed 20 at any one time, including the applicants own children, without the prior consent in writing of the Local Planning Authority.

The proposed two storey side extension on an end-of-terrace property by reason of its positioning and the nature of the works would not result in any significant loss of outlook, overshadowing or loss of sunlight and daylight to neighbouring properties.

The proposed two storey rear extension would avoid the break in the 45 degree line from the first floor rear elevation habitable window of adjoining neighbour No.227, and the single storey rear extension with flat roof under 3 metre high and 3 metres depth is considered to be a minor extension which would be usually be allowed for a dwellinghouse under permitted development. As such, the proposed extensions would not result in any significant loss of outlook, overshadowing or loss of sunlight and daylight to neighbouring properties.

There would not be any proposed side facing windows from the extension towards No.227, therefore there would not be any overlooking or loss of privacy.

Revised plans show a buffer between the play area and car parking to the adjoining No.227 with landscape screen, as such this would minimise noise and disturbance to the adjoining property.

It is considered on balance, that given the existing size of the property, the number of children and conditions proposed, the site is considered sufficient to accommodate the nursery without a significant impact on neighbour's amenities. It is therefore not considered that the relationship of the application site with adjoining and nearby residential properties is one for concern.

HIGHWAY/PARKING

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

The application site is within a PTAL rating of 3 which is moderate.

As mentioned above, the proposed car park provision would contain two front off-street parking spaces to the front of the property, 3 car parking spaces for staff measuring at 2.5m width x

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4.8m depth, and drop off area to the rear.

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.

Rush Green Road is well served by public transport, with bus numbers 5, 103, 128 and 175 which have regular stops around the Romford area going to and from Canning Town, Rainham, Clayhall and Dagenham respectively.

Although the peak time early morning and late afternoon traffic caused by parents dropping off and picking up children would cause an increase in activity in this part Rush Green Road and Phillip Avenue, it is considered that this would not be of such magnitude to hinder emergency vehicles nor create serious material impact to parking and movement of vehicles and pedestrians as to warrant refusal of permission. 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.

Bin/recycling and cycle storage are to be provided within the proposed rear play area, this could be conditioned for the applicant to provide further details for these provisions.

However, as noted above, it is for the London Borough of Barking and Dagenham to determine whether the rear car parking and drop off area, bin/recycling and cycle storage is acceptable as this part of the site is within their administrative area.

KEY ISSUES/CONCLUSIONS

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 adversely affect neighbouring amenity.

As a residential street the use of this corner property would be acceptable and reasonably located to avoid adverse impact to neighbours amenities and the character of the area. It is considered that the use has an acceptable relationship with adjoining properties.

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. 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.

Due to the unique circumstances in that the proposal sites lies within both London Borough of Havering and the London Borough of Barking and Dagenham, if the committee resolves to grant permission for the proposal, staff would not issue planning permission unless the applicant also gains planning permission from Barking and Dagenham for the proposed car parking/drop-off area adjoining Dagenham Road.

RECOMMENDATION

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

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5th December 2013

the end of the report

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. SC28 (Number of children) ENTER DETAILS

The number of children accommodated within the premises hereby approved shall not exceed 20, and the number of children within the play area to the rear of the property hereby approved shall not exceed 7 at any one time without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. Non Standard Condition Highways(Pre Commencement Condition)

The proposed alterations to the Public Highway for the additional vehicle crossover on Rush Green Road shall be submitted in detail for approval prior to the commencement of the development.

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

5. Non Standard Condition License (Pre Commencement Condition)

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway for the additional vehicle crossover on Rush Green Road 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

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6. SC13 (Screen fencing) ENTER DETAILS

Before any of the buildings 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 as per plans hereby approved, 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. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 and 18:30 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.

8. SC45B (Restriction of use) ENTER DETAILS

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

9. SC10 (Matching materials)

All new external finishes shall be carried out in materials to match those of the existing building 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.

10. SC78 (Secure by Design) (Pre Commencement)

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

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11. SC44 (Noise Insulation - Dwelling) (Pre Commencement)

Before any development is commenced, a scheme shall be submitted to and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building and the acoustic insulation to be provided on the internal party walls. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason:-

To prevent noise nuisance to the development from nursery in accordance with the recommendations Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES

1 Vehicle crossover informative

The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Head of Streetcare on 01708 433261.

2 Non Standard Informative 1

The applicant is advised that separate planning permission is required for the rear car parking area, drop off area and refuse/recycling/cycle storage from the London Borough of Barking and Dagenham as this part of the site falls within their administrative boundary.

3 Secure by Design Informative

In aiming to satisfy condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

4 Highways Informatives

This planning permission 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.

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5 Fee Informative

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

6 Approval following revision

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 December 2013

Subject Heading:

P1152.13 – 67 Corbets Tey Road

Demolition of existing building and the erection of 7 No 2 bed Flats and 2 No 3 bed Houses with private amenity spaces and 14 parking spaces

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the demolition of an existing building and its replacement with a 2-3 storey terrace of 7 flats and 2 houses, including private and shared amenity spaces, car parking spaces, refuse and recycling storage, and bicycle storage.

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 828m² and amounts to £16,560.

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

- The sum of £54,000 towards the costs of infrastructure associated with the development in accordance with 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 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.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, which shall be secured within 2 months of the committee date, grant planning permission subject to the conditions set out below.

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

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

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

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

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

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

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

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

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

6. 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.

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

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

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

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

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

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

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

development and retained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

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

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

13. 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.

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

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

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

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

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

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

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

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

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

Reason:

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

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

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

16. Highways – The proposed alterations to the Public Highway shall be submitted in detail to the Local Planning Authority for its written approval prior to the commencement of the development hereby approved. The development shall thereafter be undertaken in accordance with the approved scheme.

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

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

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

18. Permitted Development Rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, 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 the LDF Development Control Policies Development Plan Document Policy DC61.

19. *Pedestrian Barriers* - No development shall take until details of the proposed pedestrian safety barriers have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into use, and retained as such for the life of the development.

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

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway 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 the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In aiming to satisfy condition 9 above, the applicant should seek the advice of the Metropolitan Police Designing Out Crime Officer. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. The applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.

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.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
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 £15,560. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

- 1.1 The site is a 0.16ha area of land located off Corbets Tey Road, Upminster and comprises a two storey building with substantial single storey extensions which function as banqueting suites. The site includes a car park and is accessed from Corbets Tey Road, which runs through the centre of Upminster and is designated as a Major District Centre in the LDF.
- 1.2 The site's eastern, and part of its northern, boundary adjoins playing fields associated with a local school. The remainder of the northern boundary runs alongside retail and residential properties fronting onto Corbets Tey Road. These buildings comprise retail units at ground level and two floors of residential units above, which are located approximately 27m to the west of the proposed building. The southern boundary, at its eastern end, adjoins the parking areas of Upminster Baptist Church and neighbouring residential properties, whilst at its western end, the southern boundary lies adjacent to retail and residential properties fronting onto Corbets Tey Road. The western boundary adjoins the public highway.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing building and the erection of a block of flats containing seven units, along with two attached town houses attached to the eastern end of the block (7 x 2 bed flats and 2 x 3 bed houses).

- 2.2 The proposed block would have a mansard style roof, with the flats being distributed over three storeys and including one duplex unit. The flatted element would have a maximum height of approximately 10m, whilst the adjoining houses would have a maximum height of around 9.5m. The first floor flats would each benefit from a balcony and a Juliet balcony, whilst the second floor flats, to be located in the roof space, would each benefit from two balconies. The ground floor flats and the two houses would benefit from private gardens.
- 2.3 Fourteen parking spaces would be provided within a communal parking area located at the northern end of the site. The refuse storage area would be located between the proposed dwellings and the site's boundary with the public highway. The existing vehicular access onto Corbets Tey Road would be retained.

3. Relevant History

- 3.1 There is an extensive planning history related to West Lodge but no previous planning decisions of particular relevance to this proposal.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 96 local addresses. Four representations have been received.

- 4.2 The following comments have been made:

- The proposal could result in overlooking to a neighbouring children's play area associated with the Baptist church;
- The proposed access would be inadequate;
- The drains are inadequate;
- The access is inadequate for construction vehicles;
- The proposal would diminish highway safety;
- There would be excessive noise during construction.

- 4.3 Comments have also been received from the following:

The Environment Agency

No comments received. Members will be given a verbal update at Committee if any comments are received.

Designing Out Crime Advisor

No objections; condition and informative recommended.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

London Fire and Emergency Authority
No comments received.

Environmental Health (Noise)
No objections; conditions recommended in relation to limitations on noise transfer and construction times.

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

Highway Authority
No objections; condition and informatives recommended.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.13 (sustainable drainage), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations).

5.3 Local Planning Policy

Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, DC55, DC61, DC63, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

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

6. Staff Comments

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

6.2 Principle of Development

6.2.1 The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the proposed development will have no adverse impact on the function of Upminster town centre and the proposal is considered to be acceptable in principle.

6.3 Design Considerations

6.3.1 Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

6.3.2 The site is located to the east of Corbets Tey Road, to the rear of retail premises and residential properties located in an area with a town centre character. The aforementioned residential properties comprise flats located above retail premises. To the south of the site is a church located in a more residential area, comprising a range of suburban house types.

6.3.3 The application proposes a traditional form of design and construction, and is considered to be in keeping with the character and context of the surrounding area, which is characterised by a mix of house types. The scale and massing of the proposal is considered to be broadly in keeping with the character of the wider area, particularly given the flatted development located to the west. It is recommended that a planning condition be imposed requiring the submission of details relating to the proposed use of materials.

6.3.4 Given the nature of the proposal, including its appearance, layout, scale, massing and design in relation to the surrounding area and within the proposed development itself; it is considered that the proposal would have an acceptable impact on the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF.

6.4 Layout and Amenity Considerations

- 6.4.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings. Neighbouring occupiers have objected to the proposal stating that it would result in significant adverse noise impacts. Concerns have also been raised that the proposal would result in significant overlooking to a neighbouring play area associated with the church.
- 6.4.2 It is considered that the siting of the proposed building would not result in any significant adverse impacts on the amenities of neighbouring occupiers, particularly in terms of overlooking, loss of light, and outlook, given the separation distances between the proposal and the location of its fenestration. It is also considered that there are adequate stand-off distances between the proposed building and neighbouring sites that are likely to come forward for redevelopment in future.
- 6.4.3 The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a moderate Public Transport Accessibility Level Zone (PTAL 3-4). The recommended density range in such a location would be between 50 and 110 dwellings per hectare where flats and houses are proposed, and 80-120 dwellings per hectare where “mostly” flats are proposed. The density of the proposed development would be approximately 61 units per hectare, if the access road is excluded from the calculation. This is below the LDF guidelines for this location, however, this need not, in itself, constitute a reason for refusal providing the amount of development being proposed is appropriate to the site under consideration.
- 6.4.4 Given that the proposal falls just below the number of units required to trigger an affordable housing contribution, considered has been given as to whether the proposal would result in an under development of the site. The applicant has submitted information indicating that a range of options have been considered. Given the size and shape of the site, and its relationship to adjoining properties, officers are satisfied that the proposal would not result in an under development of the site.
- 6.4.5 Policy 3.5 of the London Plan stipulates minimum internal space standards for new dwellings. These stipulate that two bed flats, for three people, should have gross internal areas of 61sqm in area, and for four people: 70sqm. For two storey, three bedroom houses such as those proposed in this case, a minimum gross internal areas of 87sqm or 96sqm should be provided. All of the proposed units exceed these requirements.
- 6.4.6 The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity

space provision. Unlike previous guidance the SPD does not prescribe fixed standards for private amenity space or garden depths. Instead, the SPD places emphasis on new developments providing well-designed, high quality spaces that are useable. In this respect the private gardens proposed for the two houses and the ground floor flats and the balconies proposed for the upper floor flats, are considered to be acceptable.

6.5 Environmental Impact

6.5.1 The Council's Environmental Health officers were consulted about the application with no objections being raised. Conditions have been recommended in relation to land contamination, sound attenuation, and limitations to construction times. It is recommended that these be employed should planning permission be granted.

6.6 Parking and Highway Issues

6.6.1 The application proposes the retention of the site's existing access. Neighbouring occupiers have objected to the proposal stating that it would be detrimental to highway safety and that access arrangements would be inadequate during the construction phase.

6.6.2 The submitted information states that access to the proposal would be taken from Corbets Tey Road, which would involve crossing a pedestrian footpath serving a parade of shops with residential accommodation above. It is considered that the proposed use would have no more of an impact on highway safety and amenity than the Site's existing use.

6.6.3 The Highway Authority has raised no objections to the proposal subject to the use of conditions relating to wheel wash facilities and a construction method statement. In order to improve pedestrian visibility along the public highway, the proposal would involve the installation of pedestrian barriers at the site entrance, which the Council's Highway officers are satisfied with in principle. A condition is recommended requiring the approval of details in relation to the proposed barriers. A condition is also recommended requiring the submission of details relating to cycle storage.

6.6.4 The Highway Authority has discussed the proposed location of the refuse and recycling storage with Refuse Collection Services, and they are satisfied that refuse would be stored in close enough proximity to the public highway. It has been stated that the distances between the refuse storage and some of the proposed units would be in excess of that allowed by Building Regulations. This has been explained to the applicant; it is recommended that an informative be attached, should planning permission be granted, advising the applicant to discuss this matter with the Council's Building Control officers.

6.6.5 Policy DC2 of the LDF recommends, in this location, the provision of 1 to 1.5 parking spaces per dwelling where a mix of flats and terraced houses are proposed. In this case, the proposal would involve the provision of two

spaces for each of the proposed houses, and 1 per dwelling for each of the flats, along with three visitor parking spaces.

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

6.7 Community Infrastructure

- 6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floor space of the development once the demolition works are taken into account is approximately 1238sqm, which equates to a Mayoral CIL payment of £16,560.

- 6.7.2 This planning application is subject to the Council's tariff under the draft Planning Obligations SPD. The proposal would give rise to a contribution of £54,000 towards infrastructure costs. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

6.8 Other Considerations

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

- 6.8.2 A neighbouring occupier has stated that the sewerage arrangements are unsuitable to accommodate the proposed development. This matter is not a planning consideration.

7. Conclusion

- 7.1 The proposed residential development is acceptable in principle. The design and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and would provide a suitably high quality living environment for the enjoyment of future occupiers. There is judged to be no material harm to neighbouring residential amenity arising from the proposal and the application makes acceptable provision for the retention and replacement of landscaping and for environmental protection. The proposal is considered to be acceptable in respect of parking and highways issues.

- 7.2 The proposal is considered to be acceptable having had regard to Policies Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC51, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended

that planning permission be granted subject to the completion of a legal agreement and adherence to planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application P1152.13, all submitted information and plans.

REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

P1062.13 South Essex Crematorium

Extension to the existing tea room to provide additional area for customers (Application received 13 September 2013).

Report Author and contact details:

Simon Thelwell (Projects and Regulation Manager) 01708 432685

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This planning application proposes the erection of an extension to an existing café to provide additional capacity. The site is owned by the Council.

RECOMMENDATIONS

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

Reason:-

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

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

Reason:-

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

3. Matching Materials – The approved extension shall be constructed using external materials to match those of the existing building.

Reason:-

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

INFORMATIVES

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises an existing café and its curtilage, located within the Upminster Cemetery and Crematorium site off Ockenden Road. The site is located in the Green Belt.

2. Description of Proposal

- 2.1 This planning application proposes the erection of an extension to an existing café. The proposal would have a footprint of approximately 32sqm and a ridge height of approximately 4.5m. The height of the proposal would match that of the host building. The proposed extension would have a volume of approximately 122cum, which is less than 50% of the existing building. The proposal would be clad in brick, roof tiles, and windows to match those of the existing building.

3. Relevant History

There are various planning permissions relating to the wider cemetery.

P0980.11 - Single storey garage/workshop and single storey demountable building for use of staff office/mess room – Approved.

P0906.09 - Erection of 2 No. single storey buildings for the storage of ground maintenance vehicles and welfare/office accommodation for crematorium staff – Approved.

P0178.05 - Refurbishment of interior plus new public entrance lobby – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 21 neighbouring properties; site notices were placed within the vicinity of the site; and advertisements have been placed in the local press. No representations have been received.

- 4.2 Non statutory Consultees

Environmental Health - No comments received.

5. Relevant Policies

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

DC31 (Cemeteries and Crematoria)
DC32 (Road Network)
DC33 (Car Parking)
DC45 (Appropriate Development in the Green Belt)
DC61 (Urban Design)

5.2 The National Planning Policy Framework (“the NPPF”

6. Staff Comments

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

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

7. Assessment

7.1 Principle of development

7.1.1 This planning application proposes an extension to an existing building in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including cemeteries, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.

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

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

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

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

7.1.3 In terms of Green Belt policy, this application proposes building operations. Paragraph 89 of the NPPF states that the extension and alteration of existing buildings in the Green Belt need not constitute inappropriate development provided they do not result in disproportionate additions over and above the size of the original buildings. The proposed extension would result in an addition amounting to less than 50% of the volume of the existing building, and in terms of its height, bulk and massing, would be in keeping with the existing structure.

7.1.4 It is considered that the proposal would not constitute inappropriate development in the Green Belt and that it is therefore acceptable in principle.

7.2 Visual Impact

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

7.2.2 In terms of its height and overall form, the proposed extension would match the existing building. It is recommended that a condition be employed to ensure that the cladding materials match those of the existing building. Subject to the use of this condition, the proposal is considered to be in accordance with Policy DC61 of the LDF.

7.3 Amenity

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

7.3.2 The proposal would not be located in close proximity to any neighbouring residential or other properties.

7.3.3 Given the nature of the proposal, it is considered that there would not be any significant adverse impacts on the amenities of neighbouring occupiers, and the proposal would not be contrary to Policy DC61 of the LDF.

7.4 Access Considerations

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

7.4.2 The proposal would result in a modest addition to an existing café located within a significant cemetery and crematorium facility. The proposal is intended to accommodate the increasing numbers of people visiting the wider site, particularly in light of the cemetery extension, which is under way. It is considered that the proposed extension would not, in itself, result in any significant increase in vehicle movements, or adverse impacts on highway safety.

7.5 Environmental Considerations

7.5.1 The Council's Environmental Health officers have been consulted about the proposal but comments have not yet been received. Given the potential for ground contamination and the possible need for a condition in relation to this matter, Members will be given an update during the committee meeting of any advice received from Environmental Health.

8. Conclusion

The proposal is considered to be acceptable having had regard to Policies DC22, DC31, DC32, DC45, and DC61 of the LDF and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting documentation and plans

**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 December 2013

Subject Heading:

**P1014.13 – Harold Wood Park Pavilion,
Harold View, Romford**

**Shed and change of use of the sports
pavilion to a mixed D1/D2 use
(including a pre-school nursery)
(Application received 9th September
2013)**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a shed and change of use of the

sports pavilion to a mixed D1/D2 use (including a pre-school nursery). Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Hours of use - The sports pavilion shall not be used for the pre-school nursery hereby permitted other than between the hours of 08:30 and 15:30 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. Restricted use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be used for a sports pavilion and day nursery only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 and D2 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. Number of children - The number of children accommodated within the premises hereby approved shall not exceed 15 at any one time, including the applicants own children without the prior consent in writing of the Local Planning Authority.

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

INFORMATIVES

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of a sports pavilion in Harold Wood Park. Access is via the main gates in Harold View off Squirrels Heath Road and a road leads to a car park for 34 vehicles. The nearest residential properties are located in Brinsmead Road, which are north of the site. The site is Council owned and located in Metropolitan Green Belt.

2. Description of Proposal

- 2.1 The application seeks permission for a shed and change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery). The sports use of the pavilion would continue and the floor area for the nursery would be 42 square metres.
- 2.2 The metal shed would have a depth of 2.65 metres, a width of 1.83 metres and a height of 1.74 metres to the eaves and 2 metres to the ridge. The shed would be located in between the cricket net enclosures and a compound fence. The shed would be used to store nursery equipment when it is not in use during weekends, holiday periods or large items that are not in use regularly.
- 2.3 As an existing playgroup returning to the local area, it is expected that there would be less than 10 children for a short while when the nursery opens. There would be a maximum of 15 children in total. The playgroup would

utilise the pavilion. The age of the children would be from 2-4 years. The opening hours are proposed to be from 09:00 to 15:00 Monday to Friday. There would be at least 3 full time members of staff for the playgroup. The playgroup would use the existing paved area to the rear of the pavilion as an outdoor play area. The playgroup are planning to use the general ladies toilets and baby changing facilities along with the male referees changing room as temporary storage during the week.

3. Relevant History

- 3.1 P0018.07 – Provision of dog training facility – single storey hall and associated car parking and landscaping – Refused.

P0537.06 – Two no. portacabins for temporary use by Harold Wood Sports Association – Approved.

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press and neighbour notification letters have been sent to 4 neighbouring properties. No letters of representation were received.

- 4.2 Fire Brigade – No objection.

- 4.3 Childcare Services – As a London Borough, Havering is duty bound to deliver Section 13 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 this area.

5. Relevant Policies

- 5.1 Policies CP7 (Recreation and Leisure), CP8 (Community needs), CP17 (Design), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC26 (Location of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC45 (Green Belt), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework are material planning considerations.

- 5.2 Policies 3.18 (Education facilities), 3.19 (Sports Facilities), 3.6 (Children and young people's play and informal recreation facilities), 7.13 (Safety, security and resilience to emergency), 7.4 (Local character) and 7.6 (Architecture) of the London Plan 2011.

- 5.3 Chapters 4 (Promoting sustainable transport), 8 (Promoting healthy communities) and 9 (Protecting Green Belt Land) of the National Planning Policy Framework are relevant.

6. Staff Comments

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

7. Principle of Development

- 7.1 The application site falls within the Metropolitan Green Belt. Chapter 9 of the National Planning Policy Framework (NPPF) states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance, the change of use of the sports pavilion to a mixed use D1/D2 use (including a pre-school nursery) and the shed to be permanently retained on site for storage are not considered appropriate in principle by the NPPF. The use and shed are also contrary to the provisions of Policy DC45 of the LDF Development Control Policies DPD, which states that planning permission for development in the Green Belt will only be granted if it's for agriculture and forestry, outdoor recreation, nature conservation and cemeteries.

- 7.2 The NPPF makes it clear that there is a general presumption against inappropriate development which is harmful to the Green Belt except in very special circumstances. In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

8. Impact on the character and appearance of the Green Belt

- 8.1 It is considered that the shed would marginally reduce the open character of the site, as it would be located in between the cricket net enclosures and compound fence. Furthermore, the shed is relatively modest in terms of its size and height, particularly in comparison to the two large storage containers on the site. The shed would be green in colour and be screened by mature trees to the north of the site, which would help to mitigate its impact. The playgroup would use the existing paved area to the rear of the pavilion as an outdoor play area, which would not affect the open character or appearance of the Green Belt. Staff consider that the proposed D1/D2 use (including a pre-school nursery) would not materially affect the green belt, as it would take place within the existing pavilion building. Overall, it is considered that the proposal would not have a significant detrimental impact on the open character and appearance of the Green Belt.

9. Design/impact on street/Garden scene

- 9.1 It is considered that the shed would not be harmful to the streetscene, as it would be located in between the cricket net enclosures and a compound

fence, which is approximately 30 metres from the end of Brinsmead Road. In addition, the shed is relatively modest in terms of its size and height, it would be green in colour and partially screened by the pavilion and mature trees to the north of the site. The shed is considered to be of an acceptable appearance.

10. Impact on amenity

- 10.1 It is considered that the shed would not be harmful to residential amenity, as it would be green in colour, is relatively modest in size and height and would be partially screened by the pavilion and mature trees to the north of the site. Furthermore, the shed would be located in between the cricket net enclosures and a compound fence, which is approximately 30 metres from the end of Brinsmead Road.
- 10.2 The total number of children that would be on the site is 15. There would be at least three full time members of staff. It is considered that the proposed D1/D2 use (including a pre-school nursery) would not result in a significant loss of amenity to neighbouring properties, as the pavilion is detached. In addition, it is considered that the proposed D1/D2 use (including the pre-school nursery) would not result in significant levels of noise and disturbance over and above existing conditions, particularly as the building is currently in use as a sports pavilion. Consideration has also been given to the fact that the application site is located within Harold Wood Park, which has recreation facilities including tennis courts. Also, there would be a separation distance of approximately 14 metres between the play area and the rear part of the pavilion for the proposed nursery from the northern boundary of the site and the southern flank of the nearest residential property at No. 3 Brinsmead Road.
- 10.3 The opening hours are proposed to be from 09:00 to 15:00 Monday to Friday. It is considered that the opening hours are deemed to be acceptable, as they are concentrated during the day time, (as opposed to very early morning or late evening) and would comprise solely of week days and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition.
- 10.3 Consideration has been given as to whether the proposed use would result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. It is considered that the proposed use would not result in a significant loss of amenity in terms of vehicular movements, traffic, noise, disturbance and fumes over and above existing conditions, given that people would use the existing car park within Harold Wood Park. Adhoc parking is also available along the access road between the main car park and the gates. Overall, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity.

11. Highway/parking issues

11.1 The Highway Authority has no objection to the proposals, as the proposal is in close proximity to a Council owned car park (with 34 parking spaces), accessed by a park driveway (with space for 25 vehicles) and ample parking is also available in the park car park. It is considered that the proposal would not create any highway or parking issues.

12. The Case for Very Special Circumstances

12.1 The applicant's case for very special circumstances can be summarised as follows:

- Buddies is a pre-school group local to the area, who had to relocate last Summer from Harold Wood Primary School, after they were informed they needed the use of the classrooms they were renting. At that stage, Buddies had 66 children attending for various sessions and had received two Ofsted inspections, both giving a 'Good' judgement. Since then, the pre-school has been looking for premises within the Harold Wood area, as parents were very keen to keep their children with Buddies. The pre-school is currently operating in Worthington Hall, Collier Row, however, they are still receiving telephone calls from parents asking if they have found new, local premises.

- The pavilion building is a child friendly prime location in the residential area of Harold Wood and is well placed for children to explore the area in safety where they can learn all of the Early Years Foundation Stage curriculum areas. Buddies aim to provide pre-school provision with an emphasis on children's participation in sports and exercise activities which use the facilities in the park.

- There is a new, large housing development on the site of the old Harold Wood Hospital and the mix of flats and 3, 4 and 5 bedroom homes suggests that pre-school places will be needed. Recent increases in intake numbers for Harold Wood Primary School show that planning has been done to cater for the increased numbers of children in the area.

- Policy CP8 seeks to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by allowing the development of essential community facilities necessary to meet the specific needs of the community on non-allocated land. Staff consider that the change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery) and shed are essential to meet the current and future needs of the local community. The proposal provides a practical and economical way of enhancing this community facility both now and in the future, which adheres to Policy CP8.

- When considering the merits of the application, consideration was given to the fact that the shed is relatively modest in terms of its size and height. The playgroup are planning to use the general ladies toilets and baby changing facilities along with the male referees changing room as temporary storage during the week. The container would be used to store nursery equipment when it is not in use during weekends, holiday periods or large items that are not in use regularly.

Separate from the applicant's case for very special circumstances, the Council's childcare services Department has advised that as a London Borough, Havering is duty bound to deliver Section 13 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 this area.

11. Conclusion

- 11.1 It is considered that the shed and change of use of the sports pavilion to a mixed D1/D2 use (including a pre-school nursery) comprises inappropriate development in the Green Belt. However, it is considered that the very special circumstances that have been submitted justify the inappropriate development proposed. It is considered that the proposal would not materially harm the open and spacious character of the Green Belt and would not adversely affect the streetscene. Staff consider that the proposal would not be detrimental to neighbouring amenity or create any highway or parking issues. For the reasons outlined in this report, it is considered that planning permission should be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form and plans received on 9th September 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 December 2013

Subject Heading:

**P1061.13 – Site at Roneo Corner,
Junction of Rom Valley Way & Rush
Green Road, Romford**

**Variation of conditions 3,4,6,9,14,17,19,
21,22 and 23 of P1918.11 in order to
allow for phasing of development.**

(Application received 6th August 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

The planning application relates to the variation of conditions 3,4,6,9,14,17,19,21,22 and 23 of P1918.11 in order to allow for the phasing of the development. The phasing would allow for the occupation of the block fronting Rom Valley Way prior to the construction of the block fronting Rush Green Road and the site works associated solely with the Rush Green block. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into Deed of Variation.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 30 March 2012 (the original agreement) in respect of planning permission P1918.11 by varying the definition of Proposed Development in Recital E, Planning Application and Planning Permission in Clause 1 of the original agreement which shall mean either Proposed Development planning permission P1918.11 as originally granted or planning permission P1061.13.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 will remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed is completed.

That Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions (the numbering may not be consistent with the number of the conditions attached to planning permission reference P1918.11):

1. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans submitted as part of the previous approved application P1918.11 and the current proposal P1061.13.

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.

2. Car parking - Before the building fronting Rom Valley Way hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded blue on phasing plan SK.265B (phase 1) shall be laid out and surfaced to the satisfaction of the Local Planning Authority. Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265B (phase 2) shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

3. Disabled parking - Before the building hereby permitted fronting Rom Valley Way is first occupied provision shall be made within the area shaded blue on phasing plan SK.265B (phase 1) for 1 no. disabled car parking spaces in accordance with the approved details. Before the building hereby permitted fronting Rush Green Road is first occupied provision shall be made within the area shaded pink on phasing plan SK.265B (phase 2) for 1 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate on-site parking is available for the disabled and to comply with the aims of Policy 6.13 of the London Plan.

4. Materials – The development hereby permitted shall be constructed with external materials as previously approved under application Q0034.13.

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

5. Landscaping – The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0295.12. All planting, seeding or turfing comprised within the area shaded blue on phasing plan SK.265B (phase 1) shall be carried out in the first planting season following completion of the building fronting Rom Valley Way and any trees or plants which within a period of 5 years from completion of this part 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. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265B (phase 2) shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part 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.

6. Boundary treatment - The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0294.12.

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

7. Secure by Design - The development hereby permitted shall be implemented in accordance with principles and practices of the Secured by Design Scheme as previously approved under application Q0295.12.

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

8. External lighting – All external lighting to the development hereby permitted shall be provided in accordance with the details as previously approved under Q0295.12. The approved scheme, in so far as it relates to the area shaded blue on phasing plan SK.265B (phase 1), shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rom Valley Way and retained thereafter to the satisfaction of the Local Planning Authority. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265B (phase 2), shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road and retained thereafter to the satisfaction of the Local Planning Authority.

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

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

Reason:-

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

10. Wheel washing - The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under application Q0294.12. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

11. Construction method statement - The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0294.12.

Reason:-

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

12. Contamination – Prior to the occupation of any building pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted a phase I and phase II report);

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

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

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

b) 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

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

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

Reason:

To protect those engaged in construction and occupation of the development from potential contamination and to protect the water environment.

13. CCTV – Prior to first occupation of the development hereby permitted, CCTV shall be installed in accordance with details as previously approved under application Q0034.13 and thereafter, permanently retained and maintained.

Reason: In the interests of delivering a safer development, reflecting guidance set out in PPS1 and Policy DC63 of the Core Strategy and Development Control Policies Submissions Development Plan Document.

14. Archaeology - The development hereby permitted shall be implemented in accordance with the Archaeological and Geoarchaeological investigation as previously approved under application Q0294.12

Reason: The development of this site may affect archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the archaeological evaluation of the site. This design should be in accordance with the appropriate English Heritage guidelines.

15. Native planting - Planting to the west of the river Rom, in the buffer zone between the river's edge and the Rom Valley Way shall be of locally native plant species only, of UK genetic origin.

Reason: The use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that these plants provide. Introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

16. Pedestrian link - Prior to the first occupation of units within the building fronting Rom Valley Way hereby permitted, the main vehicular access and the pedestrian and cycle paths shown as falling within the area shaded blue on phasing plan SK.265B (phase1) shall be fully constructed and available for use. Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the remaining pedestrian paths falling within the area shaded pink on phasing plan SK.265B (phase 2) shall be fully constructed and available for use.

Reason: In the interests of highway safety and to ensure connection with the public rights of way network.

17. Insulation - The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against internally generated airborne noise and 62dB(A) against impact noise.

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

18. Noise assessment - Before the building fronting Rom Valley Way hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained. Before the building fronting Rush Green Road hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained.

Reason: To protect future residents against the impact of road noise in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

19. Code for sustainable homes: - The development hereby permitted shall be implemented in accordance with the sustainability statement as previously approved under application Q0034.13

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Interim Planning Guidance on Sustainable Design and Construction and Policy 5.7 of the London Plan.

20. Minimising carbon emissions - In the case of the building fronting Rom Valley Way hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

Reason: In the interests of energy efficiency and sustainability in accordance with the Council's Interim Planning Guidance on Sustainable Design and Construction and Policies 5.2 of the London Plan.

21. Drainage 1 - Surface water drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded blue on phasing plan SK.265B (phase 1) shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing

plan SK.265B (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Reason: To prevent the increase risk of flooding to the site itself and third parties.

22. Drainage 2 - Site drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded blue on phasing plan SK.265B (phase 1) shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265B (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Reason: To prevent pollution of the water environment.

23. Drainage 3 - Notwithstanding the requirements of condition 22 above, the development hereby permitted shall be implemented in accordance with the details of appropriate measures to prevent pollution of groundwater and surface water as previously approved under application Q0294.12

Reason: To prevent pollution of the water environment

24. Restricted storage or deposition - No spoil or materials shall be deposited or stored on the part of the site lying within the area of land liable to flood during a 1:100 20% event.

Reason: To prevent the increase risk of flooding due to a reduction of flood storage capacity and impedance of flood flows.

25. Details of culvert access - The development hereby permitted shall be implemented in accordance with the details of the vehicle access ramp and turning area serving the River Rom culvert as previously approved under application Q0034.13

Reason: To retain access to the watercourse for the riparian owner or the Environment Agency to carry out maintenance and inspections and to prevent the increase risk of flooding to the impedance of flood flows.

26. Air quality report - Prior to the occupation of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail: the area within the boundary of the site which may exceed relevant national air quality objectives; specify how the application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives; identify potential exposure and; details how the development will reduce its impact upon local air pollution.

Reason: To protect the amenity of future occupants and/or neighbours and in the interests of the declared air quality management area.

27. Highways agreement - The proposed alterations to the Public Highway shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and all necessary agreements completed.

Reason: In the interest of ensuring good design and public safety and to comply with Policies CP10, CP15, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

28. Flood risk assessment - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) issue 2 (Final), dated December 2011, reference number 5093660 compiled by Bureau Veritas and the following mitigation measures detailed within the FRA:

- Lowest finished floor level, ground floor parking area, are set at 8.85m above Ordnance Datum (AOD) (FRA section 7.1.2, page 14).
- Limiting the post development surface water run off from the site to a maximum of 5 litres per second (FRA section 8.2.4, page 16).
- Provision of a new access ramp from South Street to the River Rom flood relief channel FRA section 10.1.1, page 19).
- Balconies over hanging the easement/access ramp will have a minimum headroom clearance of 6.0m.

Reason: To reduce the risk of flooding to the proposed development, future occupants and third parties.

29. Water environment - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the water environment. The report provides no information on proposed drainage systems. The site could have existing contamination owing to the site history. No infiltration to ground should be used in contaminated soils. The perched water may be fairly shallow. Should soakaways be considered they should not intercept the water table and provide sufficient stand-off.

30. Piling - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment. It is not clear if piling will be used. It is also envisaged to potentially use Ground Source Heat Pumps. Information on historic use and made ground is limited, any proposals need to take into account of

potential contamination through appropriate mitigation measures or risk assessment.

31. Pedestrian access: The pedestrian access which connects South Street to Rush Green Road to the eastern edge of the site shall be retained and secured during construction as per details previously approved under application Q0294.12

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

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. 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. The applicant is advised that the London Fire Brigade require the developer shall install a private fire hydrant within the site, to the front of Plot 1. This hydrant is to be numbered P111482 and will conform to BS750: 1984. Upon completion of works, this fire hydrant the surrounding areas should meet flush with the hydrant's frame and cover and the pit should be clear of any debris.
4. Under the terms of the Water Resources act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Please contact the Environment Management Team on 01707 632702 for further details.
5. Under the terms of the Water Resources act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters of for any discharge or sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Please contact the Regulatory Water Quality team on 01707 632702 for further details.
6. Under the terms of the Water Resources act 1991 and the Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is

required for any proposed works or structures in, under or within 8 metres of the Rom main River.

7. The applicant is advised that there are public sewers crossing the site and no building works will be permitted within 3 metres of the sewers without prior consent of Thames Water.
8. Japanese knotweed is present along many sections of the Rom. This is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring. The site should be assessed for non-native invasive plants prior to development and if present method statements developed accordingly. Development shall proceed in accordance with the approved method statement.

REPORT DETAIL

1. Site Description

- 1.1 The site is located to the west of the junction between Rom Valley Way and Rush Green Road and is trapezoidal in shape covering 0.6 hectares. The site is an open space, currently landscaped with pedestrian links north to south between South Street and Rush Green Road. A culvert of the River Rom is located to the west. The site is bound by Merritt House to the north, the Neopost building to the east, Rush Green Road to the south and Rom Valley Way to the west.
- 1.2 Vehicular access into the site is from South Street at present. The wider site is pedestrianised, however, vehicular access is required by the Environment Agency and the Council to maintained the culvert.

2. Description of Proposal

- 2.1 The Section 73 application is for a minor material amendment to consent P1918.11 dated 30th March 2012 to allow phased occupation of the approved scheme by variation of conditions 3,4,6,9,14,17,19,21,22 and 23 so that the block fronting Rom Valley Way can be occupied prior to the completion of the block fronting Rush Green Road. No changes are proposed to the approved development.
- 2.2 The Section 73 application seeks to vary a number of planning conditions which, in their current form, would require completion of the entire development before either block can be occupied. As proposed to be revised the conditions would permit occupation of the block fronting Rom Valley Way (the 'Estuary block') before completion of the private block.

- 2.3 The proposed phasing scheme would include the full completion of the Estuary Block and all associated infrastructure including the culvert access, the South Street pedestrian link and the main site access. The only section of the approved scheme that would not be completed at the date of occupation of the Estuary block would be the block fronting Rush Green Road ('the private block') and some adjacent land and parking areas.
- 2.4 The existing and proposed conditions are listed below:

Condition 3

Original wording - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Proposed revised wording - Before the building fronting Rom Valley Way hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded blue on phasing plan SK.265B shall be laid out and surfaced to the satisfaction of the Local Planning Authority. Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265B shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Condition 4

Original wording - Before the building(s) hereby permitted is first occupied provision shall be made within the site for 2 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Proposed revised wording - Before the building hereby permitted fronting Rom Valley Way is first occupied provision shall be made within the area shaded blue on phasing plan SK.265B for 2 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Condition 6

Original wording - 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. 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.

Proposed revised wording - 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. All planting, seeding or turfing comprised within the area shaded blue on phasing plan SK.265B shall be carried out in the first planting season following completion of the building fronting Rom Valley Way and any trees or plants which within a period of 5 years from completion of this part 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. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265B shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part 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.

Condition 9

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

Proposed revised wording - Prior to the occupation of the development a scheme for the lighting of external areas of the development shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme, in so far as it relates to the area shaded blue on phasing plan SK.265B, shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rom Valley Way and retained thereafter to the satisfaction of the Local Planning Authority. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265B, shall then be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road and retained thereafter to the satisfaction of the Local Planning Authority.

Condition 14

Original wording - Prior to the commencement of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and other users of the building and the prevention

of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a CCTV camera which provides coverage of the pedestrian footpath linking South Street and Rush Green Road. The system shall be provided in strict accordance with the agreed details, prior to the first occupation of any of residential units and thereafter, permanently retained and maintained.

Proposed revised wording - Prior to the occupation of the development hereby permitted, a scheme showing the details of a CCTV system to be installed for the safety of residents and other users of the building and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a CCTV camera which provides coverage of the pedestrian footpath linking South Street and Rush Green Road. That part of the system located within the area shaded blue on phasing plan SK.265B, shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units within the building fronting Rom Valley Way and thereafter, permanently retained and maintained. That part of the system located within the area shaded pink on phasing plan SK.265B, shall be provided in strict accordance with the agreed details, prior to the first occupation of the residential units within the building fronting Rush Green Road and thereafter, permanently retained and maintained.

Condition 17

Original wording - Prior to the first occupation of any part of the development hereby permitted, the main vehicular access and the pedestrian and cycle paths shall be fully constructed and available for use as shown on drawing PL.10.

Proposed revised wording - Prior to the first occupation of units within the building fronting Rom Valley Way hereby permitted, the main vehicular access and the pedestrian and cycle paths shown on drawing PL10 and falling within the area shaded blue on phasing plan SK.265B shall be fully constructed and available for use. Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the remaining the pedestrian paths shown on drawing PL10 and falling within the area shaded pink on phasing plan SK.265B shall be fully constructed and available for use.

Condition 19

Original wording - Prior to the commencement of the development hereby permitted, an assessment shall be undertaken of the impact of road noise emanating from Rush Green Road, Rom Valley Way and South Street, upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office Memorandum, 'Calculation of Road Traffic Noise', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document No. 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures which are to protect occupants from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units and thereafter, permanently retained and maintained.

Proposed revised wording - Prior to the commencement of the development hereby permitted, an assessment shall be undertaken of the impact of road noise emanating from Rush Green Road, Rom Valley Way and South Street, upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office Memorandum, 'Calculation of Road Traffic Noise', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document No. 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures which are to protect occupants from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. In the case of the building fronting Rom Valley Way hereby approved, the scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units within that building and thereafter, permanently retained and maintained. In the case of the building fronting Rush Green hereby approved, the scheme shall be implemented in strict accordance with the agreed details, prior to the first occupation of any of residential units within that building and thereafter, permanently retained and maintained.

Condition 21

Original wording - No works in relation to the proposed development shall commence on site pursuant to the planning permission hereby granted until details of a renewable energy generation system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, has been submitted to and approved by the Local Planning Authority. The system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Proposed revised wording - No works in relation to the proposed development shall commence on site pursuant to the planning permission hereby granted until details of a renewable energy generation system for the proposed development which will displace at least 10% of carbon dioxide emissions, beyond Building Regulations requirements, has been submitted to and approved by the Local Planning Authority. In the case of the building fronting Rom Valley Way hereby approved, no units shall be occupied until the system has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the system has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

Condition 22

Original wording - Surface water drainage works shall be carried out in strict accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be carried out in full prior to the first occupation of any part of the building.

Proposed revised wording - Surface water drainage works shall be carried out in strict accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works serving the area shaded blue on phasing plan SK.265B shall be carried out in full prior to the first occupation of the building fronting Rom Valley Way. The works serving the area shaded pink on phasing plan SK.265B shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

Condition 23

Original wording - The construction of the site drainage system shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The system shall be installed in full prior to the first occupation of any part of the building

Proposed revised wording - The construction of the site drainage system shall be carried out in accordance with details previously submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The drainage system serving the area shaded blue on phasing plan SK.265B shall be installed in full prior to the first occupation of the building fronting Rom Valley Way. The drainage system serving the area shaded pink on phasing plan SK.265B shall be installed in full prior to the first occupation of the building fronting Rush Green Road.

3. Relevant History

- 3.1 P1918.11 - Construction of 2 no. part eight and part nine storey blocks containing a total of 141 flats; associated car, cycle and motor cycle parking; provision of relocated access from South Street; provision of landscaped pedestrian & cycle route linking South Street & Rush Green Road; formation of maintenance access ramp from South Street to the River Rom Culvert; part of the application site comprised adopted highway which has been stopped up under Section 247 of the Town and Country planning Act 1990 – to allow a development with planning permission to be implemented. A planning condition which deals with stopping up of highway is not required as the former highway comprising part of the application site has already been stopped up.
- 3.2 P1380.09 - Construction of 8 storey mixed use development containing 93 flats, healthcare facilities with offices, restaurant/cafe, associated highway alterations with new access, pedestrian & cycle route from South Street to

Rush Green Road – approved. This permission was valid until 6th July 2013.

- 3.3 P0269.08 - Removal of condition 33 attached to planning consent P1397.07, so as to allow vehicles to turn right from and into South Street when accessing or egressing the site – approved.
- 3.4 P1397.07 - Construction of 8 storey mixed use development containing 121 flats, Healthcare facilities with assoc. offices, restaurant/cafe, ancillary parking & servicing, stopping up of no longer required highway land, provision of relocated access from South St, landscaped pedestrian & cycle route from South St to Rush Green Rd, maintenance access ramp from South St to culvert and new landscaping to either side of culver – approved.

4. Consultations/Representations

4.1 Neighbouring notifications were sent to 623 neighbouring properties and 4 letters of objection were received raising mostly comments relating to the previous approval under P1918.11. Concerns raised are as follows:

- Increase in road traffic
- Buildings are out of scale with the surroundings
- Not enough parking spaces
- No disabled car parking spaces provided
- Fail to provide sufficient lighting on site
- CCTV provision would be inadequate
- Pedestrian link should be made available as soon as possible
- Revision of condition would fail to protect residents against road noise
- Failure to carry out surface water drainage works in full prior to occupation would increase risk of flooding.
- Failure to carry out the site drainage system in full prior to occupation would increase the possibility of polluting the water environment.

4.2 Environmental Health has not raised any objection to the proposal.

4.3 The Borough Crime Prevention Design Advisor raises no objection to the proposal.

4.4 The Highway Authority has no objection to the proposals.

4.5 The Environment Agency has not provided any comments at the time of writing this report. Any late comments would be reported to the Regulatory Services Committee

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) 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) and 7.5 (Public Realm) 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 Staff consider the proposal to be acceptable as it would not result in any new development on site or any changes to the visual appearance of the approved proposal. The current proposal would only allow for the phasing of the development in order to complete part of it at a later stage. No other changes are proposed to the original scheme.

It should however be noted that not all the conditions have been varied as requested. Staff considered the proposed changes to the CCTV condition to be unacceptable as it would not meet the requirement of the original condition.

7. Conclusion

- 7.1 In conclusion, the proposed changes to conditions, except for the CCTV condition, as stated earlier in this document, in order to phase the scheme approved under P1918.11 is considered to be acceptable. It is recommended that planning permission be granted, subject to the completion of the Deed of Variation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the deed of variation.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application forms and plans received on 6th August 2013.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 September 2013

Subject Heading:

P1135.13 – 99 Front Lane, Upminster

Change of Use of the existing vacant retail unit to a hot food takeaway (A5) including extract duct.

(Application received 26th September 2013)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the

addition of a rear external extract duct. The planning issues are set out in the report below and cover issues relating to the loss of retail space, impact on amenity and the design and appearance of the extractor flue. Staff consider the proposal to be acceptable. The application is recommended for approval subject to conditions.

The application has been called before the Regulatory Services Committee by Councillor Gillian Ford for the following reasons:

- Increased Litter
- Increased parking pressures
- The application would increase the number of takeaways, proportionally at odds with the size of the shopping centre
- Increase in antisocial behaviour
- Increased noise in the neighbourhood.

RECOMMENDATIONS

That the 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 accord with the approved plans, particulars and specifications.

Reason:

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

3) Flue details: Before any of the development hereby permitted is commenced, details of the colour and finish of the flue shall be submitted to and approved in writing by the Local Planning Authority and thereafter the flue shall be constructed with the approved materials.

Reason:

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

4) Hours of Use: The take-away use hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 23:00 Mondays to Saturdays and 09:00 to 22:00 Sundays, Bank and 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.

5) Storage of refuse: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. The approved details shall be implemented and retained for the life of the development

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.

6) Insulation scheme: Before the commercial use commences, part of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason:

To prevent noise and odour nuisance to adjoining properties.

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

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

Reason:

To prevent noise nuisance to adjoining/adjacent properties.

8) Remove or disperse odours: Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

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

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

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

INFORMATIVES

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

2 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.

REPORT DETAIL

1. Site Description

1. The application site is located on the western side of Front Lane, approximately 50 metres north of the junction with Ingrebourne Gardens. The site comprises a mid-terraced ground floor retail unit with the Cranham Social Hall at first floor. The application site is within the core area of Front Lane, Cranham Major Local Centre. The site is adjoined south by the A Touch of Glass (A1) and the Coiffeur Victoria hairdressers (A1) to the north.

2. Description of Proposal

- 2.1 This application relates to a Council owned premises and proposes the change of use from an existing vacant retail (A1) unit to a hot food takeaway (A5) and the addition of a rear external extract duct.
- 2.2 The proposed use would employ up to 6 members of staff and opening hours are proposed to be 09:00 to 23:00 Monday to Saturday and 09:00 to 22:00 on Sundays and Bank Holidays.

3. Relevant History

- 3.1 P2336.07 - Change of use to acupuncture and massage salon - Approved

4. Consultations/Representations

- 4.1 A site notice and a press advertisement have been displayed and expired on 15 November 2013. Neighbour notification letters were sent to 149 local addresses and 86 letters of objection were received raising the following concerns:

- There are too many takeaway/restaurants in the immediate area.
- The Council should encourage different types of businesses into the area.
- Proposal would increase noise, smell and litter in the area.
- Increased parking problems
- Will encourage the loitering of youths in the area leading to anti-social behaviour.
- Proposed take away will devalue properties
- Extract duct will affect the plans to improve the balcony outside the Hall
- Proposed take away would deter people from using The Hall
- No place to put rubbish bins
- Rubbish generated by take away will attract vermin

- 4.2 In response to the above, comments that the Council should encourage different types of businesses into the area and comments regarding too many take-aways in the area are not material planning considerations, as each planning application is determined on its individual planning merits.
- 4.3 The Local Policing Team has been informed of the application but have not submitted any comments by the time of writing this report.
- 4.4 Highways Authority has raised no objection to the proposal as there is an existing lay-by to the front of the shops.
- 4.5 Environmental Health was consulted and recommends various conditions in the event of an approval.

5. Relevant Policies

- 5.1 Policies CP4 (Town Centres), DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents.
- 5.2 Policies 2.15 (Town Centres), 4.7 (Retail and town centre development) and 4.8 (Supporting a successful and diverse retail sector) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF).

6. **Mayoral CIL Implications**

- 6.1 The proposal would not result in an increase to the floor area and is therefore not CIL liable.

7. **Staff Comments**

- 7.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council and as a result of a call in by Councillor Gillian Ford.

7.2 Principle of Development

- 7.2.1 The application site falls within the Front Lane Major Local Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted throughout the retail core where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) within the retail core, the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length, and
- (d) an active frontage is maintained and the use is open for a significant number of core retailing hours.

- 7.2.2 In the retail core the policy seeks to restrict the number of non-retail uses and also to prevent their grouping, as this could interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole. It is important however that proposed uses compliment and consolidate the town centre's retail function.

- 7.2.3 In this instance the relevant frontage would be considered as No. 85 to 101 Front Lane. At present this parade consists of mostly retail uses with the exception of No. 95 (A2 use), No. 99 (proposed A5) and No. 103 (D1 use).

- 7.2.4 The combination of the existing non-retail uses and the proposed A5 use would not exceed 33% of non-retail uses for this parade. Also the proposal would not result in a group of 3 or more adjoining non-retail uses. In addition, the proposed use would have similar characteristics to that of the existing use and would be open for the majority of the day thus creating a

footfall and positively contributing to the vitality and viability of this Major Local Centre.

7.2.5 It is considered by Staff that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as it would be open during core shopping hours.

7.2.6 For these reasons Staff consider the proposal to be acceptable in principle.

7.3 Design and Impact on Local Character and Street Scene

7.3.1 The proposal would not involve alterations to the external appearance of the building to the front and would therefore pose no adverse or detrimental issues to the character of the street scene.

7.3.2 The extract duct proposed to the rear would be clearly visible in the rear environment. Staff consider the size of the flue to be acceptable on balance, however members may attach different weight to the potential impact to the rear environment as a result of its size and appearance. A condition is recommended in respect of the colour and finish of the flue.

7.4 Impact on Amenity

7.4.1 Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

7.4.2 With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that some residential properties are located on the upper floors of the parade

7.4.3 The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. It should also be noted that there are no residential units at first floor as this part of the parade forms part of the Cranham Community Hall.

7.4.4 The application property lies within a row of commercial premises which forms part of retail core of the Front Lane Major Local Centre. From the site visit it was observed that Front Lane is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to

believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

7.4.5 It is Staff's view that the proposal would not result in significant noise and disturbance from pedestrian movements over and above existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours and trading days. In this instance, opening hours are proposed to be 11:00 to 23:00 Monday to Saturday and 11:00 to 22:00 on Sundays and Bank Holidays.

7.4.6 It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 22:00 on Sundays and Bank Holidays and is considered to be acceptable.

7.4.7 Staff consider the extract duct to the rear to be acceptable in terms of its potential impact on neighbouring amenity as it is sufficiently set away from neighbouring dwellings. Conditions would be attached in respect of odour and noise.

7.5 Highways / Parking Issues

7.5.1 The application site has no off-street car parking facilities for customers. There is currently lay-by parking available to the front of the premises and a Pay & Display car park within a short distance of the site, which is adequate. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit.

7.6 Other issues

7.6.1 Issues relating to litter and anti-social behaviour has also been raised as objection to the proposal. Staff do not have any evidence available to suggest that the premises and immediate area is prone to anti-social behaviour and cannot therefore refuse the application based on the assumption that this would be the case in the future.

7.6.2 Although there may be an increase amount of litter as a result of a take-away, this reason alone would not be sufficient to refuse the application. However Members may wish to add a suitable condition to require a litter management strategy to be submitted for approval prior to the commencement of the use.

7.6.3 The applicant has indicated that refuse waste will be securely stored in a secure environment inside the unit and collected by an external refuse

company on a time scale which suits the end user. A suitable condition will be added in order to provide details of the location prior to the implementation of the proposed use.

8. Conclusion

- 8.1 The proposed change of use and provision of flue is considered to be in accordance with the aims, objectives and provisions of Policies CP4, DC16, DC33, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 2.15, 4.7 and 4.8 of the London Plan and the National Planning Policy Framework (NPPF). It is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues.

Legal implications and risks:

The application site comprises land which is in Council ownership

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application forms and plans received on 26th September 2013.

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REPORT

REGULATORY SERVICES COMMITTEE

5 December 2013

Subject Heading:

P0988.13 – 3 Mountbatten House, Elvet Avenue

**Reconfiguration and refurbishment and creation of a new office, change of use from C3 to B1
(Application received 7th 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 enhancing the lives of our residents	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The application seeks for full planning permission for reconfiguration and refurbishment and creation of a new office involving a change of use from C3 to B1. 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 has been called in by Councillor Munday on the grounds that the proposal is contrary to the Council's Housing policy. The application site comprises Council owned land and the planning merits of the application are considered separately from the land interest.

This report was deferred from the Regulatory Services Committee meeting of 14th November 2013 in order to consider the application in greater detail and address the concerns of Members.

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.

Report Detail

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

This report was deferred from the Regulatory Services Committee meeting of 14th November 2013 in order to consider the application in greater detail and address the concerns of Members.

- 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'. The flat was last residentially occupied on 16/12/2012.
- 2.2 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.
- 2.3 Since 2006, DELTA TMO has operated from a portacabin on the DELTA estate, which provides limited office accommodation and does not have any meeting room facilities. They require a permanent unit to run their day to day business in managing the residential estate.
- 2.4 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.
- 2.5 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.

3. Relevant History

- 3.1 No particular relevant planning history on this unit, however there was a similar proposal on the estate at Victoria House, this was also for the conversion of a flat into a DELTA TMO office.;
- P1073.11 Change of use from C3 - Dwelling House to B1 - Office Ramp to new office access removal of porta cabin and container store. Refused, on the grounds of the loss of housing.

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 4 objections letters in regards to;

- Lack of Car parking spaces
- Should be kept as residential accommodation
- Result in a loss of housing and therefore would leave restrictive choice for people as people are on the waiting list. Noise and disturbance from the propose use
- Detrimental to the appearance and design of this part of the property
- Raising potential security issues from the proposed development
- Similar application at Victoria House which was refused

The above points are addressed elsewhere in this report below.

- The proposal would be a waste of money
- DELTA TMO may not be elected again and therefore it would be cost to taxpayers to turn it back into housing
- Other alternatives such as another porta cabin should be used instead

The above points are 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.
- 7.5 In considering exceptional circumstances the applicant has stated the following to why the conversion is required and why the existing porta cabin accommodation is not sufficient;
- The council has to provide suitable local office premises to the TMO so that it can effectively carry out its functions and provide a quality service to tenants and leaseholders.
 - There is no fire exit as highlighted by a Retired Fire Service Inspecting Officer whilst conducting a FRA on behalf of Homes in Havering in July 2012.
 - There are no alternative means of escape or evasion when confronted in difficult situations or emergencies
 - Residents currently access through the only door – if someone is already in the reception area seeking advice they are automatically interrupted and their privacy is compromised.
 - The Manager's Office is not sound-proofed; residents are therefore unable to discuss private issues as all conversations can be heard throughout the porta cabin.
 - The unit is not adequately insulated leading to excessive heat in summer and cold in winter.

- The DELTA Board cannot hold their meetings in the office as there is neither the space nor the privacy. These meetings have to be held in the Chair's residence and any paperwork required has to be taken out of the office giving rise to potential data protection issues.
- The DELTA is unable to host any estate/resident meetings – i.e. Annual General Meeting /Homes in Housing meetings with the other TMOs and officers. They currently have to pay to transport their residents to an outer venue.
- Unable to fix anything to walls such as dry wipe boards, notices and other associated fixtures.
- There is limited space to display leaflets for residents use. (i.e. Benefits/Age Concern).

7.6 These circumstances are considered to add weight to the applicant's case.

7.7 Whilst it is noted that a similar proposals were refused elsewhere on the estate at Victoria House, each applications is considered on its own merits.

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 to a 1000mm wide opening to be DDA compliant, the materials would be in matching materials to the existing doors and windows.

8.6 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 intended 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 DELTA TMO only 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 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 7th August 2013.

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REPORT

REGULATORY SERVICES COMMITTEE

5 December 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 reported back to committee following deferral from the 14 November 2013 meeting.

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 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. Background

- 1.1 This planning application was previously reported to the Regulatory Services Committee on 14 November 2013. Following debate, the Committee

resolved to defer the application to enable staff to bring back a report identifying additional details and clarifying the details for the following;

Need for the proposed nursery

- 1.2 The Council's Early Years Team advises that there is a requirement for additional nursery places within the borough. The Borough's Childcare Sufficiency Assessment (CSA) 2011 recommends that the Local Authority continues to support provisions in offering more flexible places and that there is a particular gap in places for ages 3-4, which is currently covered by child minders. This nursery would contribute, albeit in a small way, to providing for the significant shortfall of places.
- 1.3 The Early Years Team also added that as a London Borough, Havering has a duty to secure sufficient childcare for working parents. Section 6 (1) of the Childcare Act 2006 states:

“An English local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them—

(a) to take up, or remain in, work, or

(b) to undertake education or training which could reasonably be expected to assist them to obtain work.”

Proposed catchment area

- 1.4 Havering's last full CSA was published in April 2011, whilst this assessment showed that across the Borough there were more than sufficient childcare places, it did show that there was a shortage of places in the Hylands Ward. The CSA showed that there were estimated to be 250 no. 3 and 4 year old children in the Hylands Ward but only 122 no. Childcare Places.
- 1.5 The latest projections for the Hylands Ward is that this population may have fallen to about 230 no. 3 and 4 year olds but is projected to rise again to 270 by 2019, taking into account the the impact of housing developments, such as that at Roneo Corner.
- 1.6 Since September 2013 the Local Authority has had a statutory duty to provide early education and childcare places for 2 year old children that meet certain qualifying criteria. Nationally, 20% of 2 year olds are expected to qualify for this entitlement. This is expected to increase to 40% of 2 year olds from September 2014, when the qualifying criteria are expanded. It is currently

estimated that there are 117 no. 2 year olds in the Hylands Ward, projected to rise to 127 by 2019.

Relationship of the nursery to the education activity on main Albany site.

- 1.7 The applicant states that Parklanes Wykeham Childcare will be a sole provider for Early Year's education and they have strong links with the Albany and are working closely by providing an on-site nursery enabling them to provide quality childcare provision within the Hylands ward with a new purpose built nursery within the grounds.
- 1.8 With this partnership, the applicants mention that they aim to provide places for Albany teachers children and provide work experience for the Albany students in a safe environment. They would also provide funded places for Two, Three and Four year olds in line with current government legislation.
- 1.9 Early Years confirm that the applicant, Beverly Nicholls, Owner of Parklane Wykeham, has been a registered provider in Havering since 2001 and that during this time she has successfully worked in partnership with Havering on several projects and her dedication and commitment to the provision of high quality childcare has resulted in a Good Ofsted award for her current provisions in Hornchurch and Collier Row, in which she has worked with parents and children to improve childcare standards and her provision offers funded places to vulnerable two-year-olds whilst also promoting the benefits of breastfeeding to parents and has engaged with the Local Authority in piloting and developing the 'Basic Skills Quality Mark in Early Years' Award, with her own provision attaining the award in 2008 and again in 2013

Expected mode and volumes of traffic/parking movements by staff/users

- 1.11 The applicant states that, as with public transport, the parent catchment zone is Hylands ward. Some families would be in walking distance to their home so this would minimise congestion to the neighbourhood.
- 1.12 They add, following discussions with the Council's Highways department, that it is acknowledged that a percentage of parents would be coming in by private transport, in which they responded by submitting a proposed parking plan which would provide sufficient parking for all staff and a pick/up and drop of area in accordance to the council's parking policy for nurseries.
- 1.13 Within their additional justification statement, the applicant mentions that the nursery would encourage the parents and children to walk to their settings and to respect local residents. They also expect people to cycle, and proposed cycle racks to be provided for staff, children and other visitors.
- 1.14 The planning statement states that the nursery would have staggered drop off times between 8.30am to 9am and collection times between 3pm and 6.30pm,

in which the main volume of traffic to the nursery of 45 children and 6 full time staff would be concentrated.

- 1.15 It is concluded within the statement that the proposed new access road is intended to avoid on-street Parking on Hartland Road as result from the proposed nursery.
- 1.16 The report set out below is that originally presented to committee on 14th November.

2. Site Description

- 2.1 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.
- 2.2 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.

3. Description of Proposal

- 3.1 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.
- 3.2 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.
- 3.3 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.

- 3.4 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.
- 3.5 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.

4. Relevant History

- 4.1 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.

5. Consultations/Representations

- 5.1 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 19th September 2013 and the re-consultation date 15th October 2013.
- 5.2 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.

- 5.3 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.
- 5.4 Highways – No objections to the revised parking layout and access subject to suitable highway conditions.
- 5.5 Crime Prevention Design Advisor – No objections subject to a condition that a plan be submitted to comply with a secure by design condition.
- 5.6 London Fire and Emergency Planning authority – The brigade is satisfied with the revised proposals.
- 5.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the a) A Phase II (Site Investigation) Report and A Phase III (Risk Management Strategy).
- 5.8 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.
- 5.9 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.
- 5.10 London Fire Brigade Water Team – Based on the revised plans, we are happy for the works to go ahead as planned.

6. Relevant Policies

- 6.1 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.

7. Staff Comments

7.1 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".

7.2 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.

7.3 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.

7.4 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

7.5 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.

8. Principle of Development

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 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
- 8.6 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.

9. Design, scale and impact on streetscene

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.

10. Impact on amenity

- 10.1 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.
- 10.2 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.

- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 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.

- 10.9 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.
- 10.10 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.
- 10.11 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.
- 10.12 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.

11. Highway/parking issues

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.

- 11.6 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.

12. Mayoral CIL implications

- 12.1 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 metres, as such the CIL liability contributions for this proposal would be £3420.

13. Conclusion

- 13.1 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.
- 13.2 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.
- 13.3 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 22nd February 2013.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

5 December 2013

Subject Heading:

**P1250.13: Corbets Tey School,
Harwood Hall Lane, Upminster**

Two storey flat roof extension with adjoining single storey flat roof extension and a mono pitch glass roof porch entrance facing the swimming pool building. (Application received 17th October 2013)

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

The proposal is for a two-storey flat roof extension with adjoining single storey flat roof extension and mono pitch glass roof porch to provide a covered walkway between the proposed building and the existing swimming pool building.

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

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

RECOMMENDATIONS

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

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

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

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

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

3. 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.

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

Policy DC61.

4. Construction Hours - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
5. External Lighting - There shall be no external lighting within the site unless otherwise submitted to and approved in writing by the Local Planning Authority.

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

6. Land Contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:
 - a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:
 - 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 arrangement for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

7. Contamination – a) If, during the 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.

INFORMATIVES

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

REPORT DETAIL

1. Site Description

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

- 1.2 The school has a single storey timber clad swimming pool extension, which is situated to the east of the main school building. There is parking to the school frontage and grassed playing fields to the north of the school buildings. To the east of the main school building is a sensory playground. There are a number of large trees within the school grounds, in particular to the eastern site boundary, some of which are subject of a Tree Preservation Order. A surface car park has recently been granted consent on the land to the front of the school building facing Harwood Hall Lane.
- 1.3 The site is adjoined to the north and west by open Green Belt land. To the east of the site lie residential dwellings, which front on to Harwood Hall Lane or Londons Close.

2. Description of Proposal

- 2.1 Corbets Tey School is a school for children and young people who have particular personal educational needs. The school caters for pupils aged 4 to 16 with moderate to severe learning challenges, including autism, and a number of medical syndromes.
- 2.2 The proposal is to construct a two-storey flat roof extension with adjoining single storey flat roof extension and mono-pitch glass roof porch. The porch will meet with the swimming pool building to create a covered walkway between the two buildings. The building will be towards the rear of the site attached to the east side of the main school building.
- 2.3 The proposed use for the new extension will be educational purposes. The complexity of learning and/or associated physical disabilities present at the school continues to increase quite significantly each year, which means that the school has to continuously extend its provision and teaching approach to cater effectively for the developing needs of the pupils.
- 2.4 The proposed extension at ground floor will incorporate 2 classbases and 2 store rooms, which will be within the single storey element of the extension. At first floor there will be another 2 new classbases and an office and there will be a lift connecting the two floors.
- 2.5 The proposed two storey side extension would be 16.8m deep, 6.6m wide and 6.25m high to flat roof. The single storey element will be 2.3m deep, 9.1m wide and 3.1m high, also with a flat roof.
- 2.6 The proposal was originally approved in 2009 however given it is now 3 years since consent was granted the application has now lapsed and has therefore been resubmitted.

3. Relevant History

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

P0752.07 - Two storey resource extension - Approved

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

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

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

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

P0640.13 – New staff car park with vehicular access off Harwood Hall Lane and 2m mesh fence to perimeter – Approved

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the press as a Green Belt application. 63 neighbour notification letters have also been sent to neighbouring addresses. No letters of objections have been received to date.
- 4.2 Traffic & Engineering & Streetcare have no objection as there would not be an increase in the number of staff or pupils.
- 4.3 Environment Health has no objection subject to suitable condition in relation to contamination details to be submitted and approved.

5. Relevant Policies

- 5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car parking), DC34 (Walking), DC35 (Cycling) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The proposal is put before the Committee due to the application being submitted by and for land in Council ownership. The main issues to be considered by Members in this case are the principle of development, the impact upon the character and openness of the Metropolitan Green Belt; design/street scene issues; amenity implications and parking and highways issues.

7. Principle of development

- 7.1 The application relates to additions and alterations to an existing educational use. The application site lies within the Metropolitan Green Belt and therefore Policy DC45 of the LDF and section 9 of the NPPF must be considered; also as the proposal is an extension to school Staff must also consider DC29 of the LDF and NPPF section 8.
- 7.2 Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 7.3 Policy DC45 and the NPPF advise that new buildings within the Green Belt will only be granted if it is for specified purposes, namely agriculture and forestry, outdoor recreation, nature conservation or cemeteries. The proposed development does not fall within one of the uses identified as being acceptable in principle within the Green Belt and as such is by definition inappropriate.
- 7.4 NPPF provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Such circumstances will only exist where the in principle inappropriateness and any other identified harm are clearly outweighed by material considerations.
- 7.5 Staff have to consider whether very special circumstances exist in this instance which justify the inappropriateness of the development in the Green Belt together with any other harm. This is explored below.

8. Impact on the Green Belt

- 8.1 Policy DC45 states that development in the Green Belt should be of such a nature as to prevent the development materially affecting the open nature of the Green Belt.
- 8.2 The proposal would occupy a footprint of 132 square metres and provide 218 square metres of internal floor space and so in relation to the total area of open grassland surrounding the school buildings the proposal will have a minimal impact. The building would be situated on land between two existing buildings (main school building and swimming pool building) and not on open fields.
- 8.3 Being located to the rear of the site (in terms of the location of existing buildings) its impact on Harwood Hall Lane and Londons Close will be limited as it will be mainly screened by existing school buildings. Additionally the scale of the building will match that of the building it will adjoin so as not to be overly dominant on the site.
- 8.4 Staff consider that the proposal will by its nature as a new building on the site impact upon the openness of the Green Belt, however it would not cause harm to the extent that a refusal of permission could be substantiated.

9. Design and Appearance

- 9.1 Policy DC61 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 any new development is compatible with the character of the local street scene and the surrounding area.
- 9.2 The proposal includes a two storey side extension to the existing northern classroom block with an adjoining single storey element for storerooms and externally there will be an entrance porch roof. The design and materials proposed would match that of the original host building with a principally flat roof design and facing brickwork. The windows would match those existing to each elevation and would be in scale and character with the original design.
- 9.3 The single storey element of the proposal would project from the rear of the building towards the north of the site, however given its scale it does not appear out of character with the other buildings on site. Overall it is considered that the scale of the extension would be subordinate to the original building and would not appear as unattractive additions.

10. Impact on Amenity

- 10.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.

- 10.2 Given the nature, extent and position of the proposed extensions and related uses, any level of noise and disturbance would be contained within the existing building and seen against the background of existing school activity. The proposed extensions would not be sited any closer to the adjacent residential properties at Londons Close than the existing school buildings and a significant gap of some 50m would remain.
- 10.3 As mentioned above, there would not be an increase in vehicular parking, as such, noise and disturbance would not increase as a result of the proposals.
- 10.4 Staff are therefore satisfied that the proposed development is sufficiently well enough removed from residential properties and unlikely to result in any material harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

11. Highway/Parking/Access

- 11.1 The reconfiguration and alteration to Corbets Tey School would not result in the loss of any on site car parking spaces. The proposal would not result in an increase in the number of teaching staff and the parking requirement would not be altered as a result of this proposal. Additionally as a new car park has recently been (P0640.13) approved car parking provision on site is not considered to be an issue.
- 11.2 The new lobby with level thresholds proposed would be compliant with the Disability Discrimination Act and is designed to provide an adequate width access for wheelchair users.
- 11.3 The works would therefore improve on the existing pedestrian areas within the school site and enhance the existing access arrangements to and from the buildings.

12. Very Special Circumstances

- 12.1 Having regard to the above, whilst it is acknowledged that there will be a degree of impact on the existing character of the site, Staff do not consider that material harm to the character and openness of the Green Belt will arise from this proposal. The impact upon the street scene, the amenity of nearby residents and upon parking provision is negligible.
- 12.2 As set out above, in order to justify the proposal, very special circumstances are needed. Corbets Tey is a special needs school. The applicant advises that the proposed extension is needed not only to provide specialist facilities for Art and CDT but will also create;
- A larger centre for development of the Verbal Behaviour and Language and Communication Unit;

- Provide a Natural Environment Teaching (NET) room as an essential addition to the language centre in encouraging appropriate behaviour and speech from children;
- Extend the facilities of the Post 16 provision within the school which are currently operating from one classroom and is in need of more space to develop the unit more fully and increase learning opportunities;
- Provide access to the upper floor facilities to pupils with physical difficulties/disabilities.

12.3 In addition the proposal includes an all-weather covered access to the existing swimming pool building which will benefit and assist children with mobility difficulties, particularly during the winter months.

12.4 Given these circumstances, together with the limited resultant impact upon the openness of the Green Belt, Staff consider that very special circumstances exist in this case to warrant an exception from policy.

12.5 Members may agree that the demonstrated need for such facilities at the school amounts to the very special circumstances required.

12. Mayoral CIL implications

13.1 The extension is ancillary to the Junior school, educational uses are exempt from CIL payments, as such the CIL liability would be zero.

14. Conclusion

14.1 The proposals meet the main aims of both local and national policies and seek to ensure that efficient use is made of educational land in order to provide a varied range of opportunities. The proposals would complement and improve on the existing facilities offered by the school and enable an expanded range of training opportunities, consistent with the aims of planning policies.

14.2 In view of the statutory requirements for schools to provide educational space in line with growing needs, it is considered by Staff that this, in conjunction with the limited harm caused by the proposal to the character and openness of the Green Belt, constitutes the very special circumstances needed to justify an exception from Green Belt policy in this instance.

14.3 The proposed extensions would be consistent with design Policy DC61, with no detrimental impact on visual amenity. The improved access and natural pedestrian circulation to the building and the activities within it is supported and in line with Policies DC34 and DC62 of the LDF.

14.4 Having regard to all material planning considerations, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly affecting the Council.

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 relating directly to the proposal.

Equalities implications and risks:

The extensions would enhance the educational offering to the school, in which they would be able to offer students with special educational needs and disabilities.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 17 October 2013.

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REPORT

REGULATORY SERVICES COMMITTEE

5 December 2013

Subject Heading:

**P1215.13: Towers Junior School,
Windsor Road, Hornchurch, RM11 1PD**

**Erection of an extension to the existing junior school building to increase the capacity of the school from 2 form entry to 3 form entry. Demolition of existing school caretaker's house, erection of timber decking, reconfiguration of car parking spaces, and new landscaping works.
(Application received 25 October 2013).**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

The proposal is for an extension, decking area and reconfiguration of car park and access to the existing junior school building to increase the capacity of the school from 2 form entry to 3 form entry, it would include the demolition of existing school caretaker's house with associated new landscaping works

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

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

RECOMMENDATIONS

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

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

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

2. Materials – All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to accord with Policy DC61 of the Development Control Policies Development Plan Document.

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

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

4. Travel Plan - Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce private vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

5. Landscaping & existing tree root protection - 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 and all existing trees which are not directly affected by the buildings and works hereby approved shall be clearly located and described in the required landscaping scheme. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted or their soil levels within the tree canopy altered at any time unless otherwise agreed in writing by the Local Planning Authority. Details of root protection measures shall be submitted to the Local Planning Authority in conjunction with the proposed landscaping scheme. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

6. Construction Hours - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the

erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

7. 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.

9. Roof terrace- The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site is Towers Junior School which measures 0.59 hectares and is located within a rectangular site bounded by Windsor Road to the South and Towers Infant School to the North. Between the two school sites to the centre of the site is a large expanse of playing field. The school site is currently made up of inter-connecting single storey buildings; however the school hall and new entrance building are double height.
- 1.2 To the south west of the school building is a two storey detached house which was previously occupied by the school caretaker, this building is now vacant. To the front of the school entrance and along the access way is the school parking.
- 1.3 Access to the application site is via Windsor Road to the south. The application site is located within a predominantly residential area and is joined on the south, east and west by one and two storey housing with associated rear gardens.
- 1.4 The topology of the site is on a gradient which slopes down towards the south east of the site.

2. Description of Proposal

- 2.1 To accommodate an increase in demand for school places within the Borough Towers Infant and Junior Schools have opted to extend their student intake. To accommodate this increase in pupil numbers additional classrooms and learning space is required. Towers Infant School is in the process of being extended having gained consent in March 2013.
- 2.2 For Towers Junior School the proposal is to demolish the existing, vacant, caretakers house and build an extension to the south west of the school building, providing 4 new classrooms, toilets, cooking facilities and ICT area. With an increase from 2 form to 3 form entry the extension will allow for the existing school to be reconfigured to create 'cluster groups' where there will be four areas across the school each containing a year 3, 4, 5 and 6 class.
- 2.3 The extension is being built to accommodate an additional 120 pupils and 6 new staff, and the overall building is formed by three connecting blocks and would measure 23.3 metres depth (maximum), 21.9 metres width (maximum) and would be approximately 375 square metres floor area footprint in total.
- 2.4 The proposal also includes an additional 11 formal car parking spaces. There are currently 11 official spaces, although informal parking takes place on the access road from Windsor Road. The proposal is to formalise this parking by removing one of the footways on the access road to accommodate 6 of the 11 spaces as mentioned.
- 2.5 The extension would also include two timber decking areas to the rear of the proposed extension. It would adjoin both flanks of the proposed central block which would connect the new extension to the existing school.
- 2.6 The plans show an introduction of new trees to the south-west corner of the site in front of the proposed extension and also a new tree to the proposed decking area adjacent to the western boundary.
- 2.7 It is noted that some of the proposed plans under this application show the repositioned bin storage and a new detached store building on the south-east corner of the application site. These do not form part of the application under consideration.

3. Relevant History

- 3.1 The school has had numerous previous extensions. The most recent planning history is set out below:
- P1466.06 - Various single storey classroom extensions and alterations. Approved.

- P0265.08 - To install a cycle shelter. Approved.
- P0675.09 - Proposed single storey front and side extension including new entrance and access ramps to front and side of building. Approved.
- N0023.09 Minor Amendment to P0675.09 - Approved
 - Minor revision to parapet entrance levels
 - Parapet height of new build has been raised, no longer aligns with existing
 - Painted pattern proposed to one of the main walls to the entrance and underside of canopy
 - Relocation of existing bin store

Although not on the Junior school site, there is an extant planning permission under planning reference P1501.12 within the adjoining Towers Infant school site to the north, this was for a similar proposal for a; Single storey extension with 3 classrooms and hard standing play area and an extension to the car park. This was approved by committee on 14th March 2013.

4. Consultations/Representations

4.1 Notification letters were sent to 98 neighbouring properties, 3 letters of objection were received with detailed comments that have been summarised as follows;

- Noise and Disturbance from additional people associated with the proposed extension
- Inadequate parking provisions for staff, parents and other visitors
- Increase in hardstanding
- Traffic Issues and Congestion as a result of the additional vehicles
- Provision to be made for trees in the area

The above points would be addressed within the report detail paragraphs below.

4.2 Highways Authority – No objections subject to the appropriate conditions and informatives.

4.3 Tree officer – No objections, Arboricultural report is satisfactory, however would need to clarify the species of the trees, the proposed decking area and the building number '19' on the plans.

- 4.4 Environmental Protection – No objections and confirmed that the submitted report on Comino is satisfactory and meets the regulatory regime for contaminated land.

5 Relevant Policies

- 5.1 Policies CP17 (Design), DC29 (Educational Premises), DC33 (Car parking), DC34 (Walking), DC35 (Cycling) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application and which will be addressed through this report are the principle of development, impact on the streetscene and design, amenity issues and parking and highways implications.

7. Principle of Development

- 7.1 The application relates to additions and alterations to an existing educational use to provide four new classrooms, hard standing play areas and an extension to the car park. The proposal is acceptable in principle and complies with LDF Policy DC29.
- 7.2 Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
 - work with schools promoters to identify and resolve key planning issues before applications are submitted.

Therefore the principle of the development in terms of its use is considered acceptable

8. Design and Appearance

- 8.1 Policy DC61 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 any new development is compatible with the character of the local street scene and the surrounding area.
- 8.2 The proposal would see the removal of no fewer than 7 buildings in which the biggest would be the caretaker's house, which were built circa the late 1960s and are constructed with red brick and flat felt roofs. Staff consider the removal of the group of buildings and replacement with a modern design building would result in an improvement in appearance.
- 8.3 The proposed extension to the existing southern elevation would be of a contemporary design consisting of three distinct sections all being flat roofed. This is located on a higher gradient than the majority of the school.
- 8.4 The central section would be glazed on all elevations and would be the tallest one at 6 metres in height which would match the height of the existing hall. This section would contain cooking and ICT facilities.
- 8.5 The two flank sections either side of the central glazed corridor containing two class rooms each side would be lower at 4 metres in height and would project slightly forward to the central block mentioned above, it would be constructed of rendered grey walls with central glazed openings.
- 8.6 The layout of the extension has been designed to be flexible in how it is used to accommodate out of hours school and community clubs.
- 8.7 The design and materials proposed would differ to the design of the existing school. However staff consider the size, scale and bulk is in-keeping with the proportions of the school.
- 8.8 The contemporary designed block would complement the existing main entrance of the school which is also of a modern design with a simple rectangular design and flat roof, it would also be very similar in size. It would also be similarly matching with the new ICT block which is also modern in design and rendered in grey which is to the east elevation.
- 8.9 It is considered that the flat roofed extension, new car parking and buildings would not be harmful to the streetscene. It is considered that the extension has been designed in sympathy with the existing school building and is set back from the highway by approximately 60 metres.
- 8.10 The proposed formalised parking spaces on the access from Windsor Road is considered to make a minimal visual appearance difference to surrounding area, the difference would be the removal of the footway to accommodate additional off-street vehicle parking spaces which is considered more beneficial than the additional vehicles parked on the street within the surrounding area.

8.11 Staff are satisfied that the proposed development would sufficiently complement the existing buildings. The development is considered to be acceptable and accords with the principles of Policy DC61

9. Impact on Amenity

9.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.

9.2 The most affected neighbouring properties would be Nos.110-116 Grosvenor Drive to the west of the extension and No.4-12 Windsor Road, these houses are characterised by over 25-30 metre long rear gardens.

9.3 The proposed extension would be sited approximately 27 metres away from the rear elevations of the closest neighbouring properties as mentioned above.

9.4 Staff consider that there would not be any overlooking from the glazed openings of the extension from any of the elevations, as these windows only serve ground floor level rooms, there is no upper floor within the extensions.

9.5 The south and west elevation of the application site is enclosed by an existing fence and some vegetation ranging between the heights of 2-3 metres. The application also proposes additional trees on the south-west corner of the application site and this would be conditioned. It is judged that this would be sufficient to successfully mitigate against any likely harmful impacts towards the adjoining residents of No.2-10 Windsor Road.

9.6 It is recognised that an additional 120 pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site. Given the nature, extent and position of the proposed extension and related uses, any level of noise and disturbance would be contained within the existing building and seen against the background of existing school activity.

9.7 It is acknowledged that increasing the parking on site would create additional activity on the access, especially next to No. 16-18 Windsor Road and 151-153 Lyndhurst Drive. However, it is noted that the additional parking spaces are for staff and therefore, they will only be used during term time and would not be in constant use. It is also noted that these spaces are currently informally used. As such, it is considered there would not be a material increase in noise and disturbance to these neighbours as a result from the proposals.

9.8 Staff are therefore satisfied that the proposed development is sufficiently well enough removed from residential properties and unlikely to result in any material harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

10. Parking and highway issues

- 10.1 As mentioned above, the proposal also includes an additional 11 formal car parking spaces, there are currently 11 official spaces, although informal parking takes place on the access road from Windsor Road and the proposal is to formalise this parking by removing one of the footways on the access road to accommodate it.
- 10.2 Full time teaching staff at the school would increase from 20 to 26 and there would be 22 spaces in total. This is slightly below the standard required schools, which is 1 parking space per teaching staff, however the Highway Authority has no objection to the proposals.
- 10.3 Near the application site, both Osborne Road to the north and Hornchurch Road to the south are well served by buses. Going to and from Romford at regular intervals from Osborne Road, and to and from Romford, Cranham, Harold Wood from Hornchurch Road.
- 10.4 However a planning condition is suggested relating to the submission of a Travel Plan, which can incorporate and update walking routes and seek to reduce private vehicular trips.

11. Other Issues

- 11.1 There are a number of trees to the western boundary, three of the main trees on the boundary would be removed for safety measures, and 6 of them would be removed to make way for the new extension. Adjacent to the car park there would be a single plum tree to be removed.
- 11.2 Staff recommend that a landscaping condition be imposed to ensure that suitable replacement planting is carried out together with details of root protection measures for the trees that are to be retained.

12. Mayoral CIL implications

- 12.1 The extension is ancillary to the Junior school, educational uses are exempt from CIL payments, as such the CIL liability would be zero.

13. Conclusion

- 13.1 The proposals meet the main aims of both local and national policies and seek to ensure that efficient use is made of educational land in order to provide a varied range of opportunities. The proposals would complement and improve on the existing facilities offered by the school and enable an expanded range of training opportunities, consistent with the aims of planning policies.
- 13.2 In view of the statutory requirements for schools to provide educational space in line with growing needs, the proposed extension would be

consistent with design Policy DC61, with no detrimental impact on visual amenity. The improved access and natural pedestrian circulation to the building and the activities within it is supported and in line with Policies DC34 and DC62 of the LDF.

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly affecting the Council.

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 relating directly to the proposal.

Equalities implications and risks:

The development is a community facility and has been designed to ensure inclusivity of access. It has been designed to meet DDA standards for access.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 8th October 2013.

REGULATORY SERVICES COMMITTEE

5 December 2013

REPORT

Subject Heading:

P0151.13 – Former Coach Depot Land south of Reginald Road – Demolition of existing building and the redevelopment to create 9, no. 2-, 3- and 4-bedroom detached and semi-detached houses and a flat, with associated roads, paths, car parking, landscaping and landscaping enhancements to the site of the coach depot (received 7/03/13; revisions received 24/5/13, 26/10/13, 31/10/13; additional information received 30/10/13)

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
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01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Clean, safe and green borough	<input 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 the existing coach works buildings and the associated bungalow and the erection of 9 dwellings in the form of 8 houses and one flat over garages. The proposal would also involve the removal of extensive hard landscaping and the creation of an open space and flood alleviation measures adjoining the Ingrebourne River. Staff consider that the proposal is acceptable in respect of housing, Green Belt, Flood Risk, environment and highways policies and therefore approval is recommended, subject to conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

-That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 919m². Excluding the existing building/dwelling's 481 sq.m, this would be net 448 sq.m. This equates, at £20 per sq.m, to a Mayoral CIL payment of £8,960 (subject to indexation). Please note however that the existing building (though not the dwelling) was vacant at the time of the site visit and that this figure may need to be adjusted accordingly, increasing this figure.

-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 £48,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- A scheme of management and maintenance of the new open area adjoining the River Ingrebourne in perpetuity
- 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 that upon the completion of the legal agreement that planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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.

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

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

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

10. Landscaping Scheme: Prior to commencement, a landscaping plan should be submitted showing all hard and soft landscaping. Once approved in writing by the Local Planning Authority, all planting, seeding or turfing shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

11. Secured by Design/Crime Prevention: 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.

12. Construction Method 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.

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

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

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

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

15. **Highway Agreements:** 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. **Obscure glazing:** The proposed windows to the bathrooms to Plots 5 and 6 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.

17. **Restriction of additional windows/openings:** 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. Restriction of permitted development allowances: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and historic buildings assessment followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in PPS5/NPPF.

20. 8m buffer zone: No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Ingrebourne shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include details of management, landscaping and planting within 8 metres of the top of the bank of the River Ingrebourne.

Reason: To ensure that the ecological value of the corridor of the River Ingrebourne is maximised and enhanced throughout the lifetime of the development.

21. Ecological assessment: No development shall take place until a detailed ecological assessment of whether any invasive species are present on site has been undertaken and submitted to the local planning authority. If Invasive species are present at the site the applicant should also submit a detailed method statement for removing any invasive species present on the site. The method statement shall include measures that will be used to prevent the spread of any invasive species present on site during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: Invasive species such as Japanese Knotweed and Giant Hogweed are known to be present within the catchment but no Ecological Survey has been submitted with this application. This condition will ensure that any invasive species present on site are identified and disposed of appropriately before development commences.

22. Flood Risk Mitigation Measures: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2013, reference number ST2202/FRA-1301 (Revision 2) received 26th September 2013 and the following mitigation measures detailed within the FRA:

- . Completion of a detailed flood storage compensation scheme (section 5.14 page 10).
- . Finished floor levels for Plots shall be set at the levels outlined below:
 - . 1 and 2 are set 24.94mAOD (section 5.13 page 10)
 - . 7 and 8 are set at 24.7m AOD (section 5.13 page 10)
 - . 9 is contained on the first floor with a finished floor level well above the 1:100 year (+20% climate change) flood level.
- . 3, 4, 5 and 6 are set at a minimum of whichever is the higher of:
 - . 300mm above the general ground level of the site.
 - . 600mm above the 1:100 (+20% climate change) flood level (section 5.12 page 10).
- . Incorporation of a raised dry access route from the first floor residential dwelling (Plot 9) to an area outside the 1 in 100 year plus 20% climate change flood zone.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

23. Flood Storage Compensation Scheme: The development hereby permitted shall not be commenced until such time as a scheme to provide an acceptable flood storage compensation scheme on a level for level and volume for volume basis at the site has been submitted to, and approved in writing by, the local planning authority. The fluvial flood storage compensation area shall be constructed prior to construction of the new residential properties to ensure that there is no loss of flood storage compensation at any point during the construction period. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure there is no loss of fluvial flood storage during the construction works and to reduce the risk of flooding to the proposed development, future occupants and third parties.

24. Risk and Contamination Assessment: With the exception of Phase 1 works no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of the water environment. From the report submitted (Ground Investigation report number:13384SI) we are not satisfied that the risks to controlled have been considered appropriately. Further investigation works required by this condition should focus on the risks posed to controlled waters.

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

Reason: To protect the quality of the water environment by ensuring that any contamination encountered is disposed of appropriately.

26. Remediation Verification Report: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the quality of the water environment by ensuring any remedial work required by the previous two conditions is undertaken and demonstrated that there is no risk to controlled waters.

27. Water Surface Drainage/infiltration: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration of surface water would provide potential pathway for contamination at the surface to migrate into the underlying Secondary Aquifer. The design of SuDS and other infiltration systems should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal.

INFORMATIVES

1. Community Safety - Informative:

In aiming to satisfy Condition 11, 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. Archaeology Informative: The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. 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.
5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. 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 $919\text{m}^2 - 481\text{ m}^2 = 488\text{ m}^2$ which, at £20 per m^2 , equates to a Mayoral CIL payment of £8,960 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a detached former coach depot building with outbuildings and a single-storey detached dwelling. The site is located to the south of Reginald Road extending to the Ingrebourne River to the south/east and to the rear of no.s 6-32 Woodlands Avenue and 1, Reginald Road to the north of the application site and 2&4 Woodlands Avenue and 5-15 Ronald Road to the west. The application site is partly within the Green Belt and partly the urban area and also partly within the functional flood plain and flood areas associated with the river. The site area is 0.56 hectares.
- 1.2 The surrounding area otherwise is of mainly residential dwellings to the north and west and open undeveloped areas to the south and east.
- 1.3 Land levels fall towards the river, nonetheless in more recent years a large bund has been constructed adjacent to the river bank. There are a number of trees on site towards the river bank which mainly appear self-seeded.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings including the main coach workshop building and a single-storey dwelling and the erection of 9 dwellings. The 2-storey, semi-detached dwellings on Plots 1 – 8 would be located to the north-west of the site on the land currently accommodating the single bungalow and its garden area with the 9th unit located to the east of the proposed access road directly to the south of 1, Reginald Road. This 9th unit would be in the form of a flat above 4 garages. The proposal would include a new access road, car parking and separate private amenity space together with an open space to the south-east.
- 2.2 The proposed layout has an access road which extends south from Reginald Road then west to enable access to the new 2-storey properties. The proposed dwellings would all front onto the access road with amenity space to the rear and parking provided either in curtilage or as garages below Unit 9.
- 2.3 The semi-detached houses are similar in form, size and appearance although there are some variations, such as the single-storey section to the rear of Plots 1, 2 and 8 and the attached garage to Plot 4 with use of either red brick with plain tiles or yellow brick with slate effect tiles. They would

nonetheless have similar same basic dimensions of 7.25m or 8m wide, 7.8/8m deep with hip, pitched roofs and a ridge height of 8.5/8.10m.

- 2.4 The proposed houses would have rear amenity areas of a minimum of between just under 85 sq.m (Plot 5) and 130 sq.m (Plot 1) and a minimum depth 6.3m (Plot 8) and maximum of 11.75m (Plots 1 and 2).
- 2.5 The proposed Unit 9 would differ from the other units as it would be the only unit located to the east of the proposed access road and it would be the only flat. Also, this building would be located within the Green Belt and partly within the functional flood plain. The 3-bed flat is proposed to be provided above 4 garages in a single building which would have a maximum width of 12.8m, maximum depth of 9.15m with a hip, pitched roof-form with the higher ridge just under 8m above ground level. The flat's rear amenity area would be located to the eastern side of the building and would be 57 sq.m. Juliette balconies would be provided to the south and eastern elevations to the living and dining room areas, overlooking the open area.
- 2.5 It is proposed that the area adjoining the Ingrebourne River would be open and accessible to the general public. Nonetheless it would be maintained by the residents of the 9 Units and the occupiers of the dwellings would be in a position to close the access to this area as and when necessary. It is proposed that a management company would undertake the initial work and then maintain the open area. However, it is not intended that there would be any hard landscaping, paths, benches etc. and that it would be a natural meadow to enable greater enjoyment of the river and the surrounding open green belt area while providing an improved flood alleviation measure.
- 2.6 The access road would be provided with a turning head at the entrance to the open area. The pedestrian access to Ronald Road would be retained between No.s 5 and 7 Ronald Road.
- 2.7 There would be a minimum of 2 parking spaces provided for each of the 2-storey semi-detached houses, however those for Plot 2 would not be in curtilage with one provided as a garage under Unit 9 and a second space provided as a parking spaces directly outside this designated garage. The 3 spaces for Plot 8 would be provided as a single parking space in curtilage with one garage and a parking space under/outside Unit 9. The plans for Unit 9 show that the flat would have a maximum of 3 parking spaces with 2 as garages, however the applicant has indicated that the "garage" nearest the open area may be used to store any equipment associated with its maintenance.
- 2.8 A Flood Risk Assessment was submitted together with proposed flood alleviation measures have been submitted with the application, together with details of a safe access in times of flooding for occupiers of the proposed flat. A transport/traffic assessment, Design and Access Statement and Ground Investigation Report were also submitted.

2.9 A Case for Special Circumstances has been submitted which is summarised later in the report.

3. **History**

3.1 No recent, relevant planning history.

4. **Consultation/Representations**

4.1 35 neighbouring occupiers were notified of the proposal. A site notice was posted and a press notice issued. There were 19 replies; 5 raising no objections and 14 objecting to the proposal on the following grounds:

– the proposed Plot 9 is in the green belt and in the floodplain this is likely to result in greater floodrisk and waterlogged gardens to existing development

- Flooding occurs more regularly and this scheme would result in flood water to the north of the river affecting surrounding properties
- the layout suggests that there may be further development in future
- the style of development is totally out of character in this semi-rural area
- lack of security for existing residential development
- the retention of the pedestrian access onto Ronald Road is unnecessary
- the pedestrian access would be used as a meeting place for gangs or a short cut for unruly people eg motorcyclists and people may be attacked using the access
- the proposal will spoil the current quiet area
- asbestos removal would be a worry and would need to be carefully controlled
- there is no indication who would own and maintain the landscaped area
- increase in traffic resulting in more parking in the area
- the existing unmade road is not suitable for an increase in traffic during the construction phase or by new residents vehicles as potholes will be caused; the Council should be responsible for this
- the view from existing properties of the rural area will be adversely affected
- bungalows should be built rather than houses
- the green belt part of the site should not be built on
- the proposed open space should only be exclusive to the owners of the proposed houses for their communal use only
- loss of privacy from plots 3, 4, 5, 6, 7 and 8
- loss of light – the plans submitted with regard to light are inaccurate
- dust caused during the construction phase
- no additional gravel should be added to the private road without consent
- some of the proposed dwellings would be located only 4m/8m away from existing residential boundaries which is unacceptable
- the planning application does not show enough attention to detail including that no photovoltaic/hot water panels are shown on the drawings which will be unsightly

- The Thames Chase Community Forest does not have any interest in the proposed public area and there is no proper management plan for the open area such that it will become an unsightly wasteland
- If the open area is public then it will result in security risks to existing properties
- There is a need for more security fencing and features
- Exceptional Circumstances must be made to allow development in the green belt
- No flats should be allowed as this is not in character with existing development
- Loss of value of surrounding properties
- Urbanisation of a currently rural site
- Increase in noise and pollution
- If permission is given for flatted development, this would set a precedent for more flats
- possibly insufficient parking resulting in parking on Woodlands Road which is private
- traffic flow for the existing and proposed developments is under-declared as other people will visit the development
- congestion of existing driveways to Reginald Road
- refuse areas should not be located adjacent to existing residential properties as it will cause bad smells, infestation etc
- will the existing road be developed into tamac ?
- a greenhouse would be overshadowed by a 1.8m wall

4.2 Thames Water has written to advise that the development should be installed with non-return valves to avoid the risk of backflow during storm conditions, any development within 3m of a public sewer will require the separate consent of Thames Water, no impact piling shall take place without a filing method statement, petrol/oil interceptors would be needed, a condition will need to be attached in respect of a drainage strategy as initial investigation indicates that the existing waste water infrastructure cannot accommodated the needs of this application.

4.3 The Metropolitan Police Crime Prevention Design Advisor advises that conditions and an informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage would be appropriate if permission is granted.

4.4 The Fire Brigade (LFEPa) indicate that they are satisfied providing the access road is a minimum width of 3.7m between kerbs throughout its length.

4.5 The Environment Agency have written indicating that the proposed development will not be at an unacceptable risk of flooding providing suitable conditions are attached to any grant of planning permission.

4.6 English Heritage has written advising that the site is likely to contain palaeoenvironmental and geoarchaeological evidence. A condition should

be attached to any grant of planning permission to ensure that any archaeological evidence is the subject of investigation.

5. **Staff Comments:**

5.1 The issues in this case are the principle of development, impact on the open character of the Green Belt, its impact in the streetscene, on residential amenity, flood risk and parking/highways/servicing. Policies CP1, CP14, CP17 DC1, DC2, DC4, DC33, DC35, DC36, DC45, DC48, DC53, DC55, DC57, DC60, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, and the SPDs on Residential Design, Landscaping and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 6.13, 7.3, 7.4, 7.6, 7.16 and 8.3as well as the NPPF.

5.2 *Principle of development*

5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. Approximately half the site lies in the existing urban area (where the bungalow and its garden are located) and the other half (where the vacant coach depot is located) lies in the Green Belt. The National Planning Policy Framework (NPPF) indicates that back gardens do not form “brownfield” sites. The NPPF does not however preclude all development of back gardens and if there are material circumstances which suggest that development might be appropriate then this can be considered as justification for back garden development. The proposal would result in the construction of 8 houses to replace the existing bungalow and its rear garden together with a flat/garage block within the green belt. Staff consider that the proposal for the 8 houses is acceptable in principle but that the proposal for the flat in the green belt is inappropriate development which results in “in principle” harm to the green belt and the reasons for including land within it.

5.2.2 If the flat/garage block is to be considered to be an acceptable form of development then a special circumstances case would need to be made to outweigh the presumption against development in the green belt. Consideration is first given as to whether any other harm arises before any special circumstances case is considered for this dwelling/residential garage block.

5.2.3 The proposed flat/garage development would also be within the functional flood plain; a sequential test would be needed before such development. The conclusions of the Sequential Test are that while there would be other areas outside the functional floodplain where a single dwellinghouse could be located, there are mitigating measures associated with the proposed development, and the Environmental Agency have expressed no objection, such that the proposal would pass the Sequential Test.

5.3 *Impact on the Openness of the Green Belt.*

- 5.3.1 The proposed development would demolish the existing buildings at the coach depot site which are located in the middle of the section of the application site which is within the Green Belt and remove extensive hardstanding. This would be replaced by a two-storey building to the northern part of the Green Belt part of the application site which would be used as a first-floor dwelling with ground floor rear amenity space and garaging and parking spaces totalling 7 spaces, for the flat and other properties within the proposed development.
- 5.3.2 The proposal would retain views of the open green belt land currently gained from Reginald Road but closer views at the original gate would be opened up with the removal of the bulky industrial corrugated iron building and the outbuildings to its west. Staff consider that the new flat/garage building would be read as part of the urban area, nonetheless as it does result in a significant reduction in volume of the existing buildings on the Green Belt part of the application site, that this, together with the extensive improvement works and planting proposed to the new open area adjacent to the River Ingrebourne are considered to increase openness of the application site within the Green Belt section.

5.4 *Density/Site Layout*

- 5.4.1 Policy DC2 indicates that the density range for the urban area would be 30-50 units per hectare. While the total site area is 0.56 hectares, the proposed development envelope would be 0.27 hectares. The proposal is for 9 dwellings and therefore the proposed density would be 33.4 units per hectare which is within the density range indicated.
- 5.4.2 The proposed development involves the extension of the existing access to the coach depot, i.e., Reginald Road and the fronting onto the road of three units on plots 1 & 2 (a semi-detached pair) and 9 (a flat over domestic garages). The Road then makes a 90 degree turn to the west with the provision of 6 more (semi-detached pairs) dwellings fronting directly onto this access road. Each property would have access to an outside amenity area, including the flatted unit (9), to the rear of each property and, in addition, a large open space would be provided which would be maintained by the new owners of the units. Parking would either be provided in curtilage to the side of each property or within the flat/garage development. It is considered that the site layout would be similar to other frontage/corner development in the locality.
- 5.4.3 The proposal would meet the minimum space standards set out in The London Plan at Policy 3.5 (Table 3.3).

5.5 *Design/Impact on Street/Garden Scene*

- 5.5.1 The proposal is for similarly designed 2-storey houses together with a flat/garage development with the same external materials palette, similar

ridge heights and roof forms and a cohesive arrangement around an extended access road.

- 5.5.2 The existing streetscene to Reginald Road would be affected by the removal of the bungalow and industrial/commercial buildings and their replacement with 3 new properties fronting Reginald Road. Those to the west, would be in a similar position (albeit closer to the highway) as the existing bungalow and the flat/garage to the other side of the access would be the flat/garage/parking spaces which would be set back a similar distance from the road as the two-storey existing property, 1 Reginald Road. It is considered that these properties would be read as a group of 4 with 2 on each side. While these would not be similar to those in the vicinity which included detached, semi-detached and terraced houses, Staff consider that this existing variety of housing types means that this mixed group would be in character and not result in any adverse impact in the streetscene.
- 5.5.3 Staff consider that apart from glimpses further into the application site and along the footpath from Ronald Road, there would be no impact on visual amenity to Ronald Road or Woodlands Avenue.
- 5.5.4 In relation to the rear garden environment, it is considered that there would be significant impact replacing the single-storey bungalow and relatively distant commercial buildings with 9, 2-storey residential dwellings relatively closer to the existing residential buildings rear and side fences.
- 5.5.5 In relation to the nearest elevation of No. 20 Woodlands Avenue, the minimum distance would be approximately 17m to the side elevation of Unit 1. In relation to No.1 Reginald Road the side elevations would be approximately 5.6m apart and the nearest unit to 5 Ronald Road would be just over 10.6m away with the nearest unit to No. 7 Ronald Road being approximately 12.4m from its nearest rear extension and similarly just over 12m away from the nearest rear extension of No.9 Ronald Road. Staff consider that as these measurements measure rear to side relationships (rather than back-to back) that whilst the new properties would clearly be visible in the rear garden environment, that they would not result in an overbearing or visually intrusive form of development. There is clearly an element of judgement here and Members may take the view that this is not acceptable.

5.6 *Impact on Amenity*

- 5.6.1 There are existing residential properties to Woodlands Road, Reginald Road and Ronald Road.
- 5.6.2 Given the distances between properties (of over 17m) to those closest in Woodlands Road, although the new 2-storey dwellings would be more visible than the existing bungalow, Staff do not consider that there would be any significant loss of amenity for these existing occupiers from the proposed development.

- 5.6.3 The relative distances to No.s 5, 7 and 9 Ronald Road are relatively closer at between 10m and 12.5m. In relation to the properties fronting west onto Ronald Road, the proposed properties are at right-angles to them. In this respect, Staff consider that while visible, at these distances and given the orientation, the new properties would not result in direct overlooking or loss of privacy within the existing dwellings. In relation to No. 7 Ronald Road with its relatively short garden and No. 9 Ronald Road, as a bathroom with obscure glazing (to plot 5) would be the nearest rear window, Staff consider that there would not be any undue loss of privacy.
- 5.6.4 No. 9 Ronald Road has a long rear garden, as do the two properties to its south in Ronald Road. The proposed 2-storey semi-detached properties on plots 5, 6, 7 & 8 would be located a minimum of 7.7m from the side boundary. It is also considered that some landscaping to the boundary could act as a green screen. As a matter of judgement, while recognising that existing gardens would be overlooked, Staff consider that as there would be no significant loss of privacy within the properties, this would be acceptable in respect of existing residential amenity.
- 5.6.5 In relation to No.1 Reginald Road, the proposed flatted development would be located to its south, the other side of its shared side boundary. While No.1 does have side dormer windows, it is considered that the proposed development would not result in any loss of amenity, in part as it would have a significantly reduced depth in relation to No.1. It is likely that the proposed amenity area for Unit 9 would be overlooked by the occupiers of No.1 nonetheless the flat has Juliette balconies to the south/south-eastern corner which would overlook the new open amenity area and Staff do not consider that this relationship with the existing development would compromise the new occupiers amenity to a significant degree.
- 5.6.6 A suitable condition will be attached to ensure that noise and disturbance during construction is kept to a reasonable level.

5.7 *Flood Risk*

- 5.7.1 As a result of the River Ingrebourne forming the eastern and southern boundaries and approximately half of the site falls within the flood plain. Specifically Unit 9 is within the functional floodplain. The dwelling would be at first floor level and a suitable safe access has been provided to the north-west outside the floodplain.
- 5.7.2 In addition, the proposal would result in the removal of a commercial building(s) and extensive hardstanding, the removal of bunding along the river edge and the naturalisation of the site, except where the flat/garage building would be located. The Environment Agency have written indicating their support for the proposed works and that the proposed dwelling would have acceptable flood mitigation measures employed. A number of conditions will be attached to any approval with regard to the proposed works and a legal agreement will ensure the maintenance of the open area to ensure a more natural and controlled flooding of the Ingrebourne River

can occur. Staff therefore consider that while the development of one of the 9 dwellings would be within the functional flood plan that the associated works would have an overall positive impact on the River and the naturalisation of its environment.

5.6 *Highway/Parking/Servicing*

5.6.1 The proposal would provide a minimum of 2 parking spaces/garages for each dwelling and cycle parking can be provided in the proposed amenity area (subject to a suitable condition being attached to any grant of planning permission)

5.6.2 Tracking details have been submitted for refuse vehicle access and there are no objections from the Fire Service in respect of access for their appliances.

5.6.3 There are no highways objections to the proposed development.

6. *Special Circumstances Case:*

6.1 The NPPF indicates that if development is inappropriate in principle, as for example a dwelling and domestic garages is, then very special circumstances must exist to outweigh the "in principle" harm and any other harm which arises.

6.2 A Case for Special Circumstances has been submitted which is summarised as follows:

- The current unneighbourly use as a Coach depot would be removed
- The current use could revert to its former full capacity
- The current use could cause unacceptable contamination, noise and disturbance resulting in unacceptable harm to the quality of life for residents
- The current use could result in damage to the River Ingrebourne
- The current use could result in a significant increase in vehicles using the surrounding roads, i.e., coaches, staff, service vehicles, visitors etc
- The site is unsuitable for its current use and access arrangements
- The proposal would remove the uncontrolled use of the land forever resulting in a substantial improvement to the environment and allowing the planning system to control future use of the site
- The proposal would remediate the contamination caused by the coach depot
- The majority of the green belt part of the site would be returned to open, undeveloped green belt with a leisure use as an informal open space which would be maintained in perpetuity
- The development overall which is mainly in the urban area will be an improvement to the visual appearance of the surrounding area
- The proposal allows the creation of a new open space which would be a new community facility

- The proposal would remove the depot buildings which are industrial/commercial in use and appearance resulting in an opening up of the green belt and its “ruralisation”
- The proposed new building in the green belt would be located directly adjacent to an existing house in the urban area and read as part of the built-up area and not viewed as a separate element, therefore it would preserve the openness of the redeveloped site
- The existing building footprint is 225 sq.m/volume 1,450 cu.m. The proposed two storey building would have a footprint of 97 sq.m and volume of 750 cu.m. The new building would be considerably smaller than the existing therefore increasing openness
- The existing use is an inappropriate use in the green belt, as is the form of building and together with the outbuildings is untidy and sprawling and conspicuous in the green belt and detached from the built-up area; the proposed dwelling is higher than the industrial building by 2m but has a suitable external appearance and is suburban in character and would form part of the new streetscene enabling openness of the area to its south and would match the new houses not in the green belt part of the site
- The new dwelling/garage would not be part of any sprawl of the built-up area as it is only one building and abuts the existing dwelling/proposed dwellings in the urban area
- The small scale of the number of units proposed in the green belt means that it would not result in it merging with other towns
- The proposed open area is a reason why a dwelling should be allowed in the green belt
- The proposal would encourage the recycling of derelict land and create a new community facility
- It would accord with NPPF Policy for the Green Belt
- The permanence of the green belt boundary would not be affected by the siting of the dwelling abutting the urban area
- The dwelling proposed in the green belt as one of 9 in the whole scheme is fundamental to enable the development to result in the improvement of the green belt

6.3 *Staff Comments:*

The only part of the proposed development within the Green Belt would be the proposed flat/garages/parking spaces Unit 9 development which would directly replace the existing coach depot, its outbuildings and extensive hardstanding. Given that the proposed two-storey building would be significantly smaller both in floorspace and volumes (about half), it is considered that the proposal would result in greater openness. That the building would be moved to be on the edge of the green belt part of the site would further open up the green belt. Staff consider that this of itself is sufficient justification to outweigh the presumption against inappropriate development in the green belt. That the proposal would result in environmental improvements to the River Ingrebourne and provide an open space which would be available to the public for informal leisure, is considered to justify the scheme to a greater degree.

7. *Section 106 agreement*

7.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations, totalling £48,000 (8 additional houses). This contribution will need to be secured by way of legal agreement.

7.2 The proposal includes a proposal for the management/maintenance of the open space in perpetuity. It is proposed that ownership of the site will be transferred to a specialist company experienced in the long term management of green belt land and open spaces associated with residential development and will be subject to covenants benefitting the residential units. Funding for the future management is to be secured through a rent charge attached to the freehold of the residential development. The specialist management company will be obliged to maintain and manage the open space to the agreed specification. Each homeowner is obliged to contribute equally to the cost of the management of the open space on an annual basis. It is proposed that this would ensure that the long term management of the open space will be secure and the legal and financial responsibilities for the area are established from day one, and the future planning purpose of the land can be secured. The specialist company is proposed to be a committed neighbour of the residential occupiers who will be collective stakeholders to ensure that the site is effectively managed and maintained in the same way that common parts and landscaped areas are around a block of apartments. The applicants indicate that it is possible that the area could be made available to local schools and conservation groups for organised visits for observation of the natural environment and wildlife associated with the Ingrebourne River corridor – through arrangement with the specialist management company. Unrestricted public access to the area is not envisaged.

7.3 Details of a management/maintenance scheme for the open space will be required through the submission of a scheme under the legal agreement to ensure that the open space is kept up to an acceptable standard and to ensure that it continues to provide a naturalised environment adjoining the River Ingrebourne.

8. *Mayoral CIL*

8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. 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 $919\text{m}^2 - 481\text{m}^2 = 488\text{m}^2$ which, at £20 per m^2 , equates to a Mayoral CIL payment of £8,960 (subject to indexation).

9. *Other Issues*

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

10. **Conclusions**

10.1 The proposal is for the former coach depot, its outbuildings and No.2 Reginald Road to be demolished and the site redeveloped for 9 dwellings, an open space and associated road, parking and landscaping with environmental improvements. Staff consider that the proposal would be acceptable subject to the signing of a legal agreement which would in part secure the open space in perpetuity.

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 and to ensure the maintenance of the newly created open area adjoining the River Ingrebourne.

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 7/3/2013 and subsequent revisions, including 30/31.10.13.

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REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:

P1072.13 – Tomkyns Manor, Tomkyns Lane, Upminster – Retention of building to be used as stables and agricultural storage of hay, straw and machinery and an access road (Application received 2 September 2013)

Report Author and contact details:

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

Policy context:

**Local Development Framework
The London Plan
National Planning Policy Framework
None**

Financial summary:

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 type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an application for the retention of a building to be used as stables and agricultural storage of hay, straw and machinery and for the retention of an access road. Staff consider that the proposal would be for appropriate development in the Green Belt in accordance with green belt, environment and transportation policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document.

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 211m² and amounts to £4,220.

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

1. Time limit to complete works: The internal layout indicated on the approved plans Drawing No. 09.1342/P202 Rev F shall be completed within 3 months of the date of grant of planning permission

Reason: A previous use was made of the building which did not accord with the then approved plans (Planning Ref: P0080.07) and the current proposal is to revert back to the previously approved use within the time period indicated in the related Enforcement Notice. Works have been partly implemented.

2. Approved layout retention: Once the internal layout has been completed in accordance with the approved plans drawing no. 09.1342/P202 Rev F, the approved layout shall remain in perpetuity to the complete satisfaction of the Local Planning Authority.

Reason: To ensure that the layout remains compatible with the approved use of the building for stables, agricultural vehicle storage and hay/straw loft.

3. Restriction of use: Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, the use of the barn building hereby permitted shall not be other than for 6 no. stables, tack room, feed room grooming/wash down area, WC and storage area for

agricultural machinery on the ground floor and for hay and straw storage in the loft/mezzanine area.

Reason: To ensure that the proposed use is appropriate in the Metropolitan Green Belt in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. The application site does not include the manorial waste land between Tomkyns Lane and the application site and no works to the manorial waste can be authorised pursuant to this planning application. The Manorial Waste at Tomkyns Lane is Common Land protected under separate legislation (to the Planning Acts). Under Section 38(1) of the Commons Act 2006 “*A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies*”. The Common Land at Tomkyns Lane is such land so protected under Section 38 of the Commons Act 2006. Authority is therefore required from the Secretary of State in this case to carry out restricted works, which includes resurfacing of land.

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.

REPORT DETAIL

1. Site Description

- 1.1 The application site forms part of Tomkyns Manor which comprises a dwellinghouse and domestic outbuildings towards the northern boundary of the site and open fields to the south. The fields are used in part for the grazing of horses and there are two horse field shelters to the western boundary of the site. The total site area is 5.92 hectares.

- 1.2 Planning permission was granted in March 2007 for an “Essex-style” barn to provide stables and a hay loft in a similar position to the barn building which is the subject of this planning application. The constructed building, which is of the “Essex Barn” style, was however fitted out with 3 stables and a two-bedroom flat with new picture windows fitted with other external changes to the appearance of the building, such that it did not accord with the approved plans. At the time of the site visit in relation to the current application most of the fittings for the flat had been removed, including internal separating

walls, and the picture windows had been replaced with ship-lap timber boarding to match the existing building.

- 1.3 There are two access roads connecting the barn to the highway to Tomkyns Lane which runs north/south along the eastern boundary of Tomkyns Manor. One of these, the one running south to an existing gate, is also included for consideration as part of the current application; the other being accepted as lawful.
- 1.4 The site is within the Metropolitan Green Belt and land levels slope to the south across the site and beyond the site boundaries. There is an extensive tree screen to the eastern boundary with Tomkyns Lane, as there is to the other boundaries of the application site.

2. Description of Proposal:

- 2.1 The proposal is for the retention of the erected building to be used as stables and agricultural storage of hay, straw and machinery and for an access road. The building is of an "Essex Barn" style and is 23.5m long, 9.75m wide with a half-hip pitched roof with a ridge height of 6.65m above ground level. It is located to the southern part of the application site, approximately 190m from the Manor Building and approximately 80m from the southern boundary/gate, some 21m from the eastern boundary with Tomkyns Lane.
- 2.2 The existing hardstanding area adjacent to the eastern elevation of the barn would provide parking for 4 vehicles and/or a horse box.
- 2.3 The southern vehicular access proposed to Tomkyns Lane would effectively provide the barn with an in/out access onto the lane.

3. History:

- 3.1 P2206.06 – Erection of Essex barn for stables and agricultural use –
Withdrawn
P0080.07 – Erection of Essex barn for stables and agricultural use -
Approved
P0159.12 – Retention of building with mixed use comprising 2-bed flat (or holiday letting) and 3 stables together with private access drive and parking area - recommended for refusal on 5/4/13; withdrawn by applicant 5/4/13.
P0658.12 - invalid application; withdrawn invalid 16/7/13
P0751.12 - invalid application; appeal against decision by LPA not to validate application; appeal withdrawn 16/04/13
- 3.2 An enforcement notice (ENF/617/09/HW) was served on 24/8/12. A subsequent appeal against the enforcement notice was dismissed on 31/5/13. This is currently the subject of a High Court appeal.

4. Consultations/Representations

- 4.1 The occupiers of 28 adjoining/nearby properties have been notified of the application. An advertisement has been placed in a local paper and a site notice has been posted. No responses have been received.
- 4.2 The Metropolitan Police Design Advisor, Thames Water (sewerage infrastructure) and The London Fire and Emergency Planning Authority have written indicating that they have no objections to the proposal, providing a pump applicant of 12.5 tonnes rather than 14 tonnes is used.
- 4.3 Highways have no objection but suggest that the hedgerow is cut back at the vehicular access to improve visibility.

5. Relevant Policies

- 5.1 Policies DC45, DC61 and DC33 of the Core Strategy and Development Control Submission Development Plan Document are relevant. Policies 3.19, 6.13, 7.4, 7.16 and 8.3 of The London Plan also apply; as does the relevant section(s) of the National Planning Policy Framework.

6. OFFICER'S COMMENTS:

- 6.1 The issues in this case are the principle of the development, the impact of the development in the street scene, the impact on the metropolitan green belt and on the amenities of nearby residential occupiers and highways/parking issues.
- 6.2 *Principle of development:*
- 6.2.1 The proposal is to retain the building to be used as stables and agricultural storage of hay, straw and machinery and for an access road in the green belt. Since the previous consent was granted in 2007, the National Planning Policy Framework (NPPF) has been adopted replacing PPG2 Green Belts.
- 6.2.2 The NPPF indicates under the title, "Protecting Green Belt land", at paragraph 79 that, The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. And at para 80 that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.2.3 At Para 87. the NPPF indicates that "As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." And at para.

88. "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2.4 At para 89. the NPPF indicates that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (among others):
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- 6.2.5 While the building is to be retained, it does not currently have the benefit of planning permission as it does not accord with the original planning approval. As previously, national policy in the form now of the NPPF indicates that new buildings are inappropriate in the green belt, nonetheless it recognises that buildings for agriculture and provision for appropriate facilities for outdoor sport and recreation are acceptable as an exception to policy.
- 6.2.6 The proposal is for a building which provides for agricultural storing of hay and straw and stables for outdoor sport and recreation. As previously in 2007, Staff therefore consider that the proposed building and the use of the building would be acceptable as an exception to the general policy against new buildings in the green belt. It is nonetheless reasonable that some assurance is sought from the applicant that the approved use will be implemented and suitable conditions are therefore proposed to be attached to any grant of planning permission.
- 6.2.7 The proposal also includes the retention of an access road. While Staff do not consider it absolutely necessary for a barn to have an in/out facility, the proposed access road would be provided from an existing vehicular access onto the highway and would enable vehicles entering and leaving to use the two different single track ways to the highway. Staff therefore consider that the proposed access would therefore be acceptable.
- 6.3 *Impact on the green belt/in the street scene:*
- 6.3.1 The building is substantial and is located in a position where it is far removed from existing development to the north of the application site and not in a location previously containing any built form. The proposal therefore results in a significant loss of openness in the green belt.
- 6.3.2 The British Horse Society recommends that each stables should be a minimum of 3m by 3.7m and have a height of between 2.7 and 3.4m according to the size of the horse. And also that any associated structures such as tack rooms, food/bedding stores and manure bays should be

appropriate to the scale of the stable(s). The stables would each be 3.6m by 4m and would be over 3m high.

- 6.3.3 A minimum of 0.4ha per horse should be available for grazing fenced off from a separate area for exercise and there should be a safe and convenient access to the grazing area. The site area overall is 5.92 hectares. Although a proportion of the land is dwelling and ancillary residential including the residential curtilage, the majority of the site is open and could be suitable for grazing of around 10 horses.
- 6.3.4 The proposed access road would, extend from an existing vehicular access to the south-eastern corner of the application site and would introduce hardstanding on part of the site where there was previously none. It is considered that as part of the proposal, it would have a neutral impact on the open character of the green belt.
- 6.3.5 The proposed development is located well within the applicant's site boundaries and, given the high level of screening, is not easily visible from streetscene views. The proposal is nonetheless for a similar Essex barn to that previously considered (in 2007) to be an appropriate form of development in the green belt where such buildings are part of the rural vernacular.
- 6.3.6 Staff therefore consider that the building would be of a suitable size for the number of horses proposed to be catered for and in character in the locality.

6.4 *Impact on Residential Amenity:*

- 6.4.1 The barn would be used for stabling horses and agricultural storage of hay/straw. Given that the barn is located some 80m from its southern boundary and that the nearest residential property is located beyond that, Staff consider that any noise and general disturbance from the use of the building for the purposes indicated would be unlikely to cause significant harm to residential amenity.

6.5 *Car parking/highways issues:*

- 6.5.1 Annex 5 of the Core Strategy and Development Control Policies Development Plan Document does not have a specific parking requirement for the uses proposed, nonetheless 4 parking spaces would seem reasonable for the 6 stables proposed. Tracking details submitted indicate that a horsebox can enter and leave the site in forward gear and apart from a suggestion to keep hedging at the vehicular access onto the highway cut back to enable better visibility, there are no highways objections to the proposal.

7. *The Mayor's Community Infrastructure Levy*

- 7.1 The proposal is for the retention of the barn building. As it does not have the benefit of planning permission, it is liable for the Mayoral CIL. This is

calculated on the basis of £20 per square metre. The barn has a floorspace of 211 sq.m and the liability is therefore assessed as £4,220. This is subject to indexation and, as it relates to a constructed building, will be due immediately on receipt of the planning approval.

8. Conclusion:

- 8.1 The building and the proposed use of it is considered to be acceptable as an exception to the general national policy against new buildings in the green belt, as indicated in the NPPF. The proposal is therefore acceptable and in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD, subject to conditions requiring the works to be undertaken in accordance with the approved plans and the works and use retained in perpetuity. Staff consider that while the building does have an impact on the open character of the green belt that as it is an acceptable use and the building would be characteristic of the local “Essex” vernacular, that this impact would not be unacceptable. Staff do not consider that there would be any loss of residential amenity nor any highways/parking issues. Staff therefore consider that the proposal would be acceptable as it would not result in long term harm to the reasons for including the land within the Green Belt.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

None

Human Resources implications and risks:

None

Equalities implications and risks:

There are no equalities or social inclusion implications

BACKGROUND PAPERS

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

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REGULATORY SERVICES COMMITTEE

REPORT

5 December 2013

Subject Heading:	<p>Application for the Stopping Up (under Section 247 of the Town and Country Planning Act 1990) of Highway at The Arcade, Harold Hill between East Dene Drive and Farnham Road shown zebra hatched on the plan annexed to this report.</p> <p>(Application received 23rd August 2013)</p>
Report Author and contact details:	<p>Vincent Healy, 01708 432467 Vincent.Healy@havering.gov.uk</p>
Policy context:	<p>Local Development Framework</p>
Financial summary:	<p>Limited to the costs of advertising the stopping up in the press.</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 23rd August 2013 for the stopping up of highway to enable part of the development of land pursuant to a planning permission (planning reference P0875.13). The planning permission (planning reference P0875.13) involves the demolition of existing shops and the construction of a two storey library (“the Planning Permission”).

The applicant the Head of Assets Management of London Borough of Havering has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up Public Footpath Number 40 (highway) shown zebra hatched on the plan Drawing Reference: sps1790/A annexed to this report (“the Public Footpath Stopping Up Plan”) in order 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 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 Public Footpath Number 40 (highway) zebra hatched black on the attached plan (“the Public Footpath Stopping Up Plan”) as the land is required to enable development for which the Council has granted planning permission under planning reference P0875.13 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 22nd August 2013 the Council's Regulatory Services Committee resolved to grant Planning Permission under planning reference P0875.13 for the redevelopment land at The Arcade (East) Harold Hill. The Planning Permission was issued on 27th August 2013.
- 3.2 The stopping up is necessary in order that the development pursuant to planning permission reference P0875.13 can be implemented and it involves the stopping up of the length of Public Footpath 40 between East Dene Drive west to Farnham Road a length of 35.4 metres, with a width of 2.55 metres shown zebra hatched on the plan annexed to this report. For the avoidance of doubt the entire width of the extent in length of The Arcade subject to the application for stopping up will form part of the development granted planning permission under planning reference P0875.13 and will be accessible to the public solely as part of the proposed public library during its opening hours.
- 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 ("the Public Footpath Stopping Up Plan") 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 and in terms of the use of the highway that an accessible alternative route is available to the public.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If relevant objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not

necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

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

4.2 **Legal Implications and Risks:**

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

4.3 **Human Resources Implications and Risks:**

None that are directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

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

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

Having considered the above duty and the Human Rights Act 1998 the stopping up of the highway will not lead to a materially adverse impact on the public as an accessible alternative route is available to the public on existing highway.

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 P0875.13), which involves the demolition of existing shops and the construction of a two storey library ("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 22nd August 2013 which resolved to grant planning permission under planning reference P0875.13.

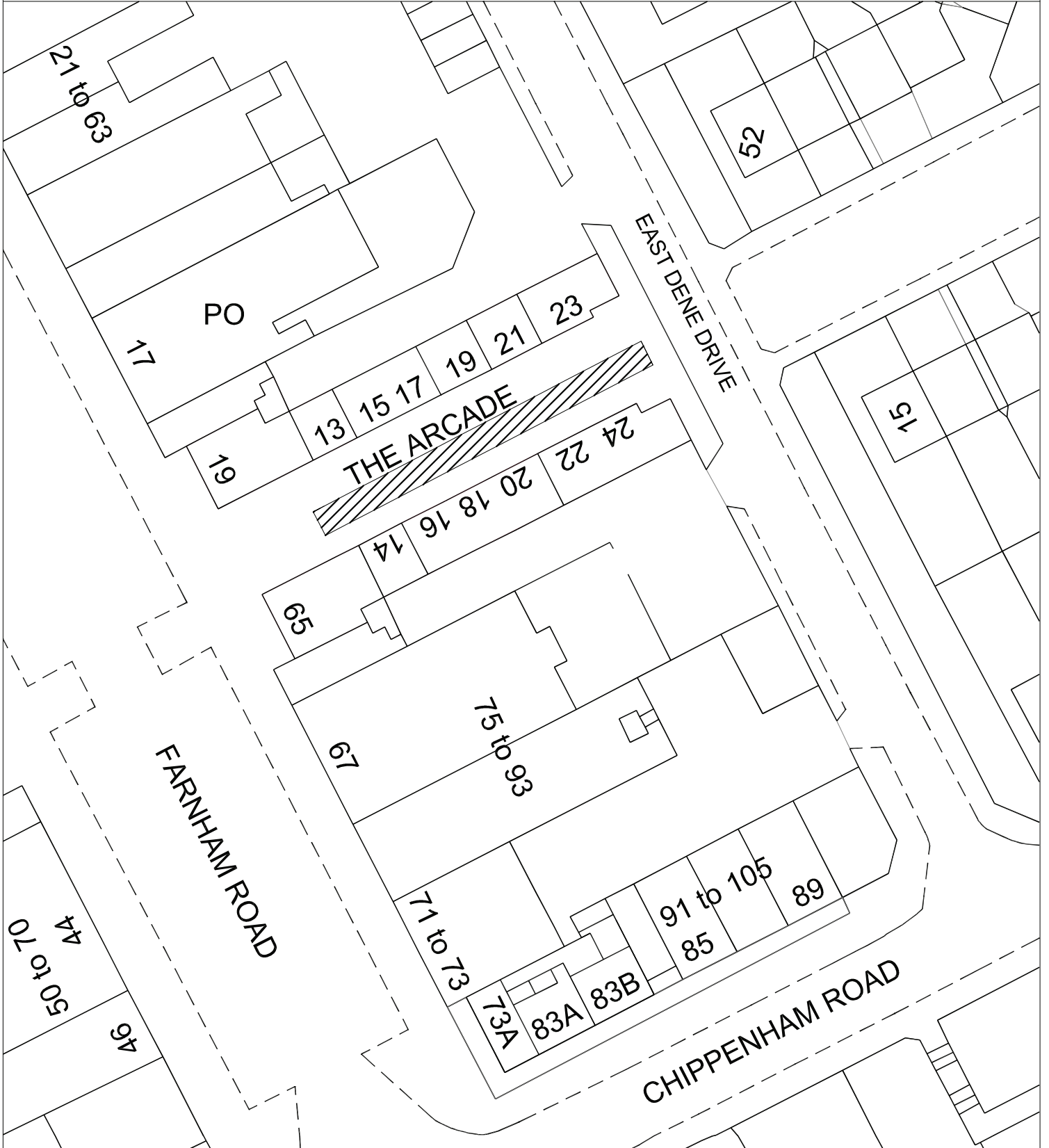
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Key:



Black Hatching Indicates Extent of Highway to be Stopped Up

The Area to be stopped up is 35.4 metres in length and 2.55 metres in width (90.2m² Total Area) running from OS grid Co-ordinates 553814.7084, 192076.1146 (East) to 553783.2863, 192059.7623 (West)



No	Revisions	Date
A	Width of path 2.55, Area 90.2m ²	26/11/2013

Notes

Job Title:
Land Fronting 13-24 The Arcade/
Land Between Farnham Road &
Eastdene Drive Harold Hill

Date:
August 2013

Drawing Title:
Public Footpath Stopping Up Plan

Scale:
1:500 @ A1

Drawing Number:
sps1790/A



Havering
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