



# Havering

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

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
19 December 2013**

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

Members 11: Quorum 4

**COUNCILLORS:**

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

**For information about the meeting please contact:**

**Richard Cursons 01708 432430  
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## **AGENDA ITEMS**

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

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

The Chairman will announce the following:

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

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

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

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

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

(if any) - receive.

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

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

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

### **4 MINUTES (Pages 1 - 26)**

To approve as a correct record the minutes of the meetings of the Committee held on 24 October and 14 November 2013 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 27 - 44)**

- 6      **P1123.13 - LAND TO THE SIDE OF 84 DORKING ROAD, ROMFORD** (Pages 45 - 60)
- 7      **P1122.13 - LAND TO THE REAR OF 51 AND 53 KEATS AVENUE, ROMFORD**  
(Pages 61 - 76)
- 8      **P1136.13 - 104 PETERSFIELD AVENUE, HAROLD HILL** (Pages 77 - 86)
- 9      **P1133.13 - 108 PETERSFIELD AVENUE, HAROLD HILL** (Pages 87 - 96)
- 10     **P1314.13 - BEAM VALLEY COUNTRY PARK, 170M NORTH OF 301 WESTERN AVENUE, DAGENHAM** (Pages 97 - 104)
- 11     **P1367.13 - ROYAL JUBILEE COURT, MAIN ROAD, ROMFORD** (Pages 105 - 112)
- 12     **P1081.13 - CHANLIN BROXHILL ROAD** (Pages 113 - 124)
- 13     **P1119.13 - 16 & 18 PROSPECT ROAD, HAROLD WOOD** (Pages 125 - 146)
- 14     **P1175.13 - 59, 61, 63-66, 68 & 70 WARWICK ROAD, RAINHAM** (Pages 147 - 166)
- 15     **P1295.13 - HAROLD WOOD HOSPITAL** (Pages 167 - 182)
- 16     **P1430.13 - 179 CROSS ROAD, ROMFORD** (Pages 183 - 198)
- 17     **URGENT BUSINESS**

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

**Andrew Beesley**  
**Committee Administration**  
**Manager**

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**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
24 October 2013 (7.30 - 11.00 pm)**

**Present:**

**COUNCILLORS:** 11

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

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

**Labour Group** Paul McGeary

**Independent Residents  
Group** +David Durant

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

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

Councillors Frederick Thompson, Gillian Ford, John Wood, Keith Darvill and Denis O'Flynn were also present for parts of the meeting.

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

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

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

## 120 **DISCLOSURE OF PECUNIARY INTERESTS**

*Councillor Linda Hawthorn declared a personal interest in Agenda Item 6 Planning Application P0963.13 Former Broxhill Centre, Broxhill Road. Councillor Hawthorn advised that she was a member of the Sports Council; knew the objector, and had previously declared a personal opinion on the proposed scheme.*

*Councillor Hawthorn left the room during the discussion and took no part in the voting.*

121 **P0945.13 - THREE HORSESHOES FARM, NOAK HILL**

The planning application before members proposed the demolition of existing stabling, storage, and residential buildings and the erection of five houses, along with landscaping and associated works.

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

The objector questioned the process behind the issue of Certificates of Lawfulness for four buildings currently on the site. The committee was informed that local residents had not been aware that Certificates of Lawfulness had been issued in respect of the four buildings on site. Questions were raised over how the construction of five residential dwellings on the site in place of the four buildings could be appropriate development in the Green Belt. The objector raised concerns over the drainage and sewerage arrangements for the proposed properties and intrusive lighting. Members were invited to attend the site to conduct a site visit.

Speaking in response the applicant confirmed that the proposed development would lead to the removal of four existing buildings benefiting from Certificates of Lawfulness together with extensive hardstanding. The applicant advised that the proposed development was low density and that part of the site would be returned to open Green Belt. Members were informed that no further development would take place on the site in the future and that the new residential dwellings would be situated far enough away from neighbouring properties to avoid issues of overlooking.

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

Councillor O'Flynn commented that the report was very comprehensive however he was surprised at the recommendation for planning permission to be granted. Councillor O'Flynn suggested that a site visit be arranged for Committee members so that they could gain a better understanding of how the site was currently laid out. Councillor O'Flynn also raised concerns regarding the drainage of the site and possible increased traffic problems.

Councillor Darvill confirmed that he supported all the previous points that had been made by the objector and Councillor O'Flynn. Councillor Darvill also commented that the proposed scheme would be intrusive on neighbouring properties due to the considerable incline of the site. Councillor Darvill urged Committee members to arrange a site visit to the site.

During the debate members questioned how the four properties currently situated on the site had acquired their Certificates of Lawfulness. Officers provided detail on the application and the evidence submitted in support of the application. A member queried whether Council Tax had been paid for

the four properties with the benefit of the Certificate. Officers confirmed that a Court Summons had been issued for unpaid Council Tax. A member noted that an application had previously been refused for the retention of outbuilding on the site. Clarification was sought on the enforcement history of the site.

Members also discussed the site's access and egress arrangements and questioned whether there was sufficient space in the access road for two cars to pass each other.

Members also questioned which parts of the site shown on the plan were to be included in the proposed development.

Following a motion to refuse the granting of planning permission which was lost by 7 votes to 2 with 2 abstentions. It was **RESOLVED** to defer consideration of the scheme for a visit of the site to take place and to allow officers to clarify the following points:

- Details of the enforcement history especially in the period immediately preceding and since the first creation of the 4 lawful residential units;
- Basis of evidence submitted to gain the 4 Lawful Development Certificates;
- Whether the access road into the site was wide enough to enable 2 vehicles to pass;
- Explanation of the Lawful Development Certificate process and detail of the dates of submission/approval, including details of any agreed curtilage;
- Clarification as to when the hardstanding on site was laid;
- Whether the front car park formed a part of the proposal site and whether it could be reverted back to open Green Belt land;
- Detailed plan clearly identifying the extent of the land within the applicant's control;
- Identification of those buildings/car parking areas and areas of hardstanding currently existing on site;
- Clarification as to whether the access road would be adopted;
- Precise details of the proposed boundary treatment (suited to Green Belt);
- Investigation of the allegation that one of the LDC residential units now accommodated horses;
- Further explanation of considerations around the argument that 4 small residential units benefitting from Lawful Development Certificates could justify 5 large houses in Green Belt terms.
- Clarification as to how the existing commercial development in the Green Belt could justify a change to residential properties.

122 **P0963.13 - FORMER BROXHILL CENTRE, BROXHILL ROAD**

The planning application before members proposed the demolition of an existing gymnasium building and the installation of a third generation (3G) all-weather football pitch; multi use games area (MUGA); children's play area; natural children's play area; outdoor gym area; outdoor exercise track; central open space; running tracks; a dog walking area; a car park; new site access; landscaping works; and the erection of a pavilion building.

Members were advised that the Environment Agency had raised no objections to the proposal, however Environmental Health had asked that a condition to control noise be added to the proposal.

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

The objector raised issues which included the lack of disabled facilities and lack of equipment that would be provided for disabled users.

In response the applicant confirmed that the facility would be accessible to disabled users and that officers were working closely with disabled user groups to determine provision of equipment at the development.

During the debate members received clarification on the parking provision on the site, including the facilities for coaches. In response to questions members clarified the hours of operation of the floodlights and the distance of the nearest residential properties to the site.

In reply to a question regarding the possibility of light intrusion from the floodlights affecting neighbouring residential properties, officers clarified that the floodlights would have backshields installed on them to minimise light pollution.

Members agreed that the development was of a good nature and was welcomed in the area.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to also add two additional conditions to control the hours of use of the floodlights in line with the operating hours of the development and to control noise emanating from the site as suggested by Environmental Health.

*As mentioned previously in the minutes. Councillor Linda Hawthorn declared a personal interest in application P0963.13. Councillor Hawthorn advised that she was a member of the Sports Council knew the objector, and had previously declared a personal opinion on the proposed scheme.*

*Councillor Hawthorn left the room during the discussion and took no part in the voting.*



123 **P1003.13 - 44 HERBERT ROAD, HORNCHURCH**

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

Members noted that the application had been called-in by Councillor Ron Ower due to the planning history of the site and the Emerson Park Local Policy.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector stated that the proposal was out of keeping with neighbouring properties in the area and did not accord with the Emerson Park Policy.

In response the applicant informed the Committee that the proposal was a minor variation to a pre-existing planning permission and did not involve any material increase to the size or scale of the dwellings. The applicant stated that the changes were needed due to the results of water pressure tests that had been undertaken on site.

During the debate members received clarification on the extra garage space that would be provided within the proposal and questioned if granting planning permission would be setting a precedent for similar developments in the area.

Members noted that the proposed development would be liable for a Mayoral CIL payment of £22,340 and it was **RESOLVED** that proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 18 June 2013 in respect of planning permission P0169.13 by varying the definition of Planning Permission which shall mean either planning permission P0169.13 as originally granted or planning permission P1003.13.

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

That staff be authorised that upon the completion of the legal agreement that planning permission be granted subject to the conditions as set out in the report and the deletion of condition 6 relating to noise insulation.

The vote for the resolution to grant planning permission was carried by 9 votes to 1 with 1 abstention.

Councillor Ower voted against the resolution to grant planning permission.

Councillor Hawthorn abstained from voting.

124 **P1557.12 - R/O 189 HIGH STREET, HORNCHURCH**

The report before members related to an application to demolish a single storey building and erect a two-storey residential mews development providing 4 three-bedroom houses (with accommodation in the roof space) with on-site parking for 4 vehicles and a landscaped courtyard.

Members were advised that one late letter of representation had been received raising concerns over conflicts of land use resulting from the commercial/residential mix of the area.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response by the applicant. The objector, who represented commercial properties located in the area of the proposal, stated that the proposed residential development would not be in keeping with the existing commercial uses in the area. It was suggested that future occupiers of the development could seek restrictions on the operation of the current commercial uses in the area.

In response the applicant confirmed that the number of units within the development had been reduced from 7 to 4; that there was no authorised pedestrian right of way through the site; that issues relating to external noise and odour emanating from the existing commercial uses in the vicinity of the site had been dealt with in the application. The applicant suggested that it was not unusual, within new developments, to see a mix of residential and A3 uses in one particular area.

During the debate members sought clarification on whether there was an existing public right of way on the development site. Officers confirmed that there was no evidence of such. Members commented that the proposal was a good example of a town centre development and a better use of the site than the existing car wash. Members also debated the potential problems that could be experienced with commercial deliveries taking place on the site. Members took note of the existing residential developments in close proximity to the application site.

The Committee noted that the development attracted a Mayoral CIL payment of £8,760 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.

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

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

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

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

Councillor McGeary abstained from voting.

125 **P0978.13 - PYRGO SCHOOL, DAGNAM PARK DRIVE, HAROLD HILL**

The report before members detailed an application for the erection of a demountable building to serve as temporary classrooms. The proposal related to a Council School situated within the green belt.

In accordance with the public speaking arrangements, the Committee was addressed by an objector with a response from the applicant. The objector questioned whether the application could be considered temporary as the application sought permission for a five year period. The objector also raised issues of noise and overlooking that had become apparent since the building had been erected.

The applicant, in response, confirmed that there had been an urgent need for additional school places for the September 2013 intake which warranted the new building. The applicant also confirmed that several locations had been considered for the erection of the new building and that its current location was found to be the most suitable.

During the debate members questioned the relationship between the proposed building and the neighbouring property and possible measures to remove the problems of overlooking. Members noted that they were uncomfortable that the building had been placed in its current location without planning permission.

It was **RESOLVED** to delegate to the Head of Regulatory Services to facilitate discussion between the applicant and the immediate neighbour to enable privacy measures to address overlooking which could include the erection of boundary fencing, installation of privacy glass, and/or limited opening of the windows in the proposed development and subject to satisfactory resolution grant planning permission for a temporary five year period.

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

The report before members concerned a proposal to demolish an existing house and erect a replacement building containing 9 flats. The application was reported back to committee following deferral from the 3 October 2013 meeting.

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

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

Councillor Ford had called the application in on the grounds of over intensification of development, height of development was over and above that of properties directly opposite and adjacent, not in keeping with the street scene, building materials at odds with design of surrounding development, development going beyond the building line of properties in the area and the adverse impact on traffic in the locality.

With its agreement Councillor Ford addressed the Committee, Councillor Ford confirmed that many local residents had concerns with the proposed scheme particularly with regards to the possible traffic congestion that the development would create and that the proposal would have an adverse impact on the amenity of the area

During the debate members compared the proposed development to similar schemes that had been built in the area and also considered amenity space. Members gave consideration to access and egress arrangements, highway safety and boundary treatment.

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

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried by 8 votes to 2 with 1 abstention.

The Committee noted that the development attracted a Mayoral CIL payment of £8,580 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out in paragraph 1.9 of the report and to include an additional condition requiring the submission of a parking management scheme which would include the nomination of parking spaces at a ratio of one space per dwelling.

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

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

127 **ENFORCEMENT REPORT - UPMINSTER COURT, HALL LANE, UPMINSTER**

The Committee considered the report and without debate **RESOLVED** it expedient to issue Enforcement Notices on the owners / occupiers of the property requiring, within 3 months, that:

- (i) The 27 bollard lights within the grounds of the property be removed;
- (ii) The 6 floodlights at the base of trees to the front of the property be removed;

- (iii) The 6 spike uprights to the front of the property and 2 within the car park be removed.

That power to issue enforcement notice(s) against the owners / occupiers of the property including the precise wording of the breach, reasons for service and requirements be delegated to the Head of Regulatory Services, in consultation with the Assistant Chief Executive.

In the event of non-compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

**128 P1077.13 - TOWN HALL, PRINT ROOM**

The report concerned an application for an extension to the existing print room at the Town Hall. The application site was Council owned land.

Members were advised that one late letter of representation had been received which commented that the proposal would be of an intrusive nature to neighbouring properties and would result in the removal of trees and a reduction of property values in the area.

With its agreement Councillor Frederick Thompson addressed the Committee. Councillor Thompson confirmed that he was speaking on behalf of local residents and Councillor Andrew Curtin. Councillor Thompson commented that the proposal would be of an intrusive nature possibly leading to overlooking and light pollution issues. Councillor Thompson suggested that the building should be moved away from neighbouring properties.

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

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

Councillor Brice-Thompson abstained from voting.

**129 P0487.13 - 43-45 BUTTS GREEN ROAD, HORNCHURCH**

The application before members was for a change of use from B1 (Offices) to D2 (Day nursery). The nursery would employ 8 members of staff and would cater for up to 60 children aged 0 – 5 years olds. The applicant had indicated that the nursery would operate weekdays from 08.30 hours to 15.00 hours. The first floor of the building would be retained for office use (B1 use). It is proposed to construct a new external staircase at the side of the building to provide an independent access to the first floor offices. An outdoor secure children's play area was to be provided on site at the rear of the building. The play area would be enclosed by a 1.8 metre high brick

wall. The boundary fence along the northern boundary was to be increased to 1.8m. A car parking area for up to 10 vehicles is to be provided at the rear of the site, around the children's outdoor play area. The proposed level of car parking provision had been increased via amendments, as originally, only five car parking spaces were proposed. The proposal also involved the part reinstatement and part creation of a new crossover.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of concern relating to the location of the site which was on a busy road and the parking provision on site to serve the development.

During the debate members questioned the hours of operation of the nursery and discussed the possible over development of the site, limited parking provision, traffic congestion in the surrounding area and highway safety.

The report recommended that planning permission be granted, however following a motion to refuse planning permission which was carried by 10 votes to nil with 1 abstention.

It was **RESOLVED** that planning permission be refused on the grounds that;

- Road safety hazard caused by the movement of vehicles on/off the site and general congestion in road/junction.
- Mix of uses, given limited building/curtilage capacity represents an overdevelopment of the site.
- Adverse impact on amenity of residents due to disturbance.
- Inadequate parking for a shared day nursery/office site.

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

Councillor Paul McGeary abstained from voting.

130 **P0846.13 - GLENWOOD, BENSKINS LANE, NOAK HILL, ROMFORD - SINGLE STOREY SIDE EXTENSION**

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

The vote for the resolution to grant planning permission was carried by 10 votes to 1.

Councillor Steven Kelly voted against the resolution to grant planning permission.

131 **P0919.13 - PARSONAGE FARM PRIMARY SCHOOL, FARM ROAD, RAINHAM - SINGLE STOREY EXTENSION, NEW CAR PARK, RE-LOCATION OF A GARAGE AND ASSOCIATED LANDSCAPING**

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

132 **P0858.13 - LAND R/O 137-151 MONTGOMERY CRESCENT, HAROLD HILL - ERECTION OF 2 TWO BEDROOM BUNGALOWS AND ASSOCIATED PARKING**

The Committee considered the report noting that the proposal attracted a Mayoral CIL payment of £3,872 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

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

133 **P0859.13 - LAND ADJACENT TO 81 HEATON AVENUE, ROMFORD - ERECTION OF 1 ONE BEDROOM BUNGALOW AND ASSOCIATED PARKING**

The Committee considered the report noting that the proposed development attracted a Mayoral CIL payment of £752 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:



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

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

134 **P0928.12 - LAND R/O 2-24 BELL AVENUE, ROMFORD**

The application before members related to Council owned open land. The application proposed the erection of four 3 bedroom and one 4 bedroom dwellings with associated parking.

During a brief debate members received clarification on perimeter fencing and access/egress to the site.

The Committee noted that the proposed development attracted a Mayoral CIL payment of £11,294 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

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

- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and to an additional condition covering screen and perimeter fencing. Staff were also authorised to raise with the applicant (Council) that some rear garden boundaries may have encroached onto the access road.

135 **P0965.13 - SUTTONS PRIMARY SCHOOL, SUTTONS LANE, HORNCHURCH - INSTALLATION OF A NEW DEMOUNTABLE BUILDING TO SERVE AS A TEMPORARY CLASSROOM**

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

136 **SUSPENSION OF STANDING ORDERS**

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

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**Chairman**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
14 November 2013 (7.30 - 9.50 pm)**

**Present:**

**COUNCILLORS:** 11

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

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

**Labour Group** Paul McGeary

**Independent Residents  
Group** +David Durant

**UKIP Group** Fred Osborne

Apologies were received for the absence of Councillor Mark Logan.

+Substitute members Councillor David Durant (for Mark Logan)

Councillors Nic Dodin and John Mylod were also present for parts of the meeting.

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

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

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

**134 MINUTES**

The minutes of the meetings of the Committee held on 22 August, 5 September, 12 September and 3 October 2013 were approved as a correct record and signed by the Chairman.

135 **P0043.13 - 58 EDMUND ROAD, RAINHAM**

The report before members detailed an application for a single storey rear extension. The report informed the committee that the property had already been partly extended to the rear by nearly 4m with a lower ridge line to the hipped roof than the original property, alongside which was an existing lean-to extension to the same depth with a sloping roof, the highest point of which tucked under the eaves.

The application had been called in by Councillor Tebbutt on the grounds that the 45 degree infringement was minor if not de minimis. Councillor Tebbutt also stated that the development had no detrimental effect on neighbouring properties. Councillor Tebbutt was also of the opinion that the application was materially compliant to all development policies.

The report recommended that planning permission be refused, however following a motion to approve planning permission on the grounds that the development would not result in any material harm to the outlook or rear garden environment of neighbouring property, that it was materially compliant with Local Development Framework policies and that the property benefitted from a of generous garden length.

The Committee **RESOLVED** that planning permission be granted subject to the conditions covering as set out in the report.

136 **P0648.13 - ALICIA COTTAGE, PATERNOSTER ROW, NOAK HILL, ROMFORD**

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

137 **P0708.13 - 69 SUTTONS AVENUE, HORNCHURCH**

The Committee considered the report that sought planning permission for a two storey side, single storey rear & front extension.

Members noted that the application had been called in by Councillor Nic Dodin on the grounds of consistency of similar built extensions to properties in the same road and adjoining roads in the area.

With its agreement Councillor Dodin addressed the Committee.

Councillor Dodin commented that similar developments had been granted planning permission in the area.

During a brief debate members stated that a similar application had been approved along the same road and within vicinity. It was also stated that the

application property was a corner house and the view was that the proposed extension would not affect the streetscene.

The report recommended that planning permission be refused, however following a motion to approve on the grounds that the proposal was in keeping with the character of the locality given the incidence of other similar extensions in the vicinity and as the extension had an acceptable design, mass and bulk which caused no harm in the streetscene and was materially compliant with the relevant policy in the Local Development Framework.

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

The vote for the resolution was carried by 10 votes to 1. Councillor Durant voted against the resolution to grant planning permission.

138 **P0761.13 - 2 LINK WAY, HORNCHURCH**

The Committee considered a report that outlined a proposal for a first floor side extension that would sit above the existing single storey side extension that extended three metres to the rear elevation.

Members noted that the application had been called in by Councillor John Mylod on the grounds of the special needs of the family with regard to their disabled son.

With its agreement Councillor Mylod addressed the Committee.

Councillor Mylod stated that this was an exceptional application due to the special needs of the family with regard to a disabled son, and that he was of the opinion that the proposal was an acceptable scheme in its present form.

During a brief debate members stated that a similar application had been approved along the same road and within vicinity. It was also stated that the application property was a corner house and the consensus was that the proposed extension would not affect the streetscene.

The report recommended that planning permission be refused, however following a motion to approve on the grounds that the proposal was based significantly and exceptionally on the personal need of the applicant's family. Significant consideration was given to the purposes for which the extension was required and the protected characteristic under the Equality Act 2010 which the extension would address balanced against the limited conflict with design guidance. Further given the width of the extension on the streetscene and improved impact of the new extension compared with existing it was concluded that on balance any harm to local character or amenity was outweighed by the exceptional personal circumstances.

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

139 **P0819.13 - 2-6 FITZILIAN AVENUE, HAROLD WOOD, ROMFORD**

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

The vote for the resolution was carried by 9 votes to 0 with 2 abstentions. Councillors Durant and Ower abstained from voting.

140 **P0988.13 - 3 MOUNTBATTEN HOUSE, ROMFORD**

The report before Members sought full planning permission for reconfiguration, refurbishment and creation of a new office change of use from C3 (Dwelling House) to B1 (Office).

The Committee noted officer's comment regarding seeking a deferral of the consideration of the report and without debate **RESOLVED** to defer the report in order for staff to revisit aspects of the report content.

141 **P0074.13 - LAND AT SURRIDGE CLOSE R/O PARSONAGE ROAD, RAINHAM**

The report before members detailed an application for the erection of six houses with an extension to the existing access road with ancillary car and cycle parking.

Members were advised that four late letter of representation had been received that raised objection to the application.

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

During the debate Members received clarification on the width of the driveway leading to the proposed properties. Members raised concerns about the development stating that the road was narrow and that it would not meet adoption criteria.

Members also sought clarity on the comments of the Fire Brigade (LFEDA) that the hammer head part of the entrance road appeared large enough for pump appliance to turn around, provided the area was kept clear of parked cars.

The Committee noted that the proposed development would be liable for a Mayoral CIL payment of £13,600. It was **RESOLVED** that:

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

- A financial contribution of £36,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

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

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

**142 P1065.13 - 168 SUTTONS LANE, HORNCHURCH**

The report before the Committee detailed an application which proposed the demolition of an existing side extension and the erection of a new attached dwelling.

With its agreement Councillor Nic Dodin addressed the Committee. Councillor Dodin stated that the development was too close in proximity to two neighbouring properties. Councillor Dodin also stated that the proposed development was impeding and reducing natural and sunlight from the two properties. Councillor Dodin also suggested that the development had an overbearing impact on neighbouring properties.

During a brief debate members stated that a similar application had been approved along the same road and within vicinity. It was also stated that the

application property was a corner house and the view was that the proposed extension would not affect the streetscene.

Following a motion to refuse planning permission which was lost by 2 votes to 7 with 2 abstentions.

The Committee **RESOLVED** that planning permission be granted subject to the conditions as set out in the report save for the precise wording of Condition 4 on Landscaping and Condition 12 on Highway Alterations being delegated to the Head of Regulatory Services, that Condition 15 on contamination be deleted.

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

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

143 **P1094.13 - FRANCES BARDSLEY SCHOOL, BRENTWOOD ROAD, ROMFORD**

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

144 **P0785.13 - LAND AT GOOSHAYS DRIVE, HAROLD HILL**

The Committee considered an application that was a reserved matters submission, following the granting of outline planning permission for a residential development of up to 242 units on the site. The reserved matters submission covered matters of access, appearance, layout, scale and landscaping.

The report informed Members that staff considered the principal matters for consideration to be the extent of compliance with the outline planning permission and conditions forming part thereof and the acceptability of the detailed proposals with specific reference to layout and design, visual impact, environmental impact, parking and highway implications and impact on amenity. Members raised a number of issues including the adverse impact on a Cedar Tree which staff explained was not a healthy specimen and would be replaced by a London plane tree. Staff reported that the Environment Agency confirmed that they had no objection to approval of the reserved matters application.

The Committee **RESOLVED** that, the reserved matters application be approved, subject to the conditions as set out in the report:

The vote for the resolution to grant planning permission was carried by 10 votes to 1.



Councillors McGeary voted against the resolution to approve the reserved matters.

145 **P0203.13 - THE ALBANY COLLEGE, BROADSTONE ROAD, HORNCHURCH**

The report before members sought planning permission for a new build children's day nursery detailing a new access road and secure outside play area with canopy.

The proposed vehicular access to the nursery comprised of Council owned land which was the grass verge on a piece of land adjoining the eastern side corner of Hartland Road and Broadstone Road, which ran 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 were considered separately from the land interest.

During the debate Members sought clarification on issues about the proposal.

The Committee **RESOLVED** that consideration of the report be deferred to allow officers seek applicant clarification of:

- Need for the proposed nursery.
- Proposed catchment, i.e. from how far would children come to attend.
- Relationship of the nursery to the education activity on main Albany site.
- Expected modes of transport and volumes of traffic/parking movements by staff/users accessing the site given that the site was not well served by public transport.

146 **P0361.13 - BRIAR SITE 2A, HAROLD HILL**

The report before members detailed a deed of variation to replace the site plan included in the agreement, reflecting the actual land subject to the planning application, the extent of which was changed during the consideration of the application.

The Committee **RESOLVED** that the variation of the Section 106 agreement dated 17 October 2013 in pursuant to planning application reference number P0361.13 by Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended), be approved in the following terms:

1. Add a Site Plan, replacing the plan in the original agreement

The planning obligations recommended in the report had been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations were 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.

The vote for the resolution was carried by 9 votes to 0 with 2 abstentions.

Councillors Durant and McGeary abstained from voting.

147 **ALLEGED BREACH OF PLANNING CONTROL AT RAINHAM ROAD SERVICE STATION, 14 RAINHAM ROAD, RAINHAM**

The Committee considered the report and without debate **RESOLVED** that Enforcement Notices be issued and served to require within three months:

1. Remove the container, outbuilding and the canopy and structure holding in place the said canopy from the Land.
2. Remove from the Land all waste materials and rubble resulting from compliance with (1) above.

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

In relation to the breach of conditions:

That Members consider it expedient that Enforcement Notices be issued and served to require within three months:

1. Cease the washing and cleaning of vehicles except in the wash bay and former garage forecourt building approved by planning permission (P0758.08 granted on appeal and detailed as condition 2 in the Planning Inspectorate Decision dated 3 August 2009.
2. Other than non-powered portable hand tools, cease the use of all other equipment used for the washing and cleaning of vehicles until a scheme has been submitted and approved in writing by the local authority and the cleaning and washing of vehicles shall be in full accordance with the approved scheme. (Condition 4, P0758.08)
3. Cease the use of the building until parking spaces for customers and staff are marked out on the site in accordance with the approved scheme (Condition 6, P0758.08) submitted and approved on 31 March 2010 and shown on plan GN/01 and the approved spaces

shall be retained thereafter for the parking of vehicles and for no other use.

4. Cease the use for storage of equipment and materials in the customer and staff parking areas (approved by Condition 6, P0758.08 on 31 March 2010 and shown on plan GN/01)
5. Remove all car washing, cleaning equipment and all other storage including chairs and return the area (as shown on GN/01) to car parking only. (Condition 6, P0758.08)

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

That power to issue enforcement notice(s) against the owners/occupiers of the property including precise wording of the breach, reasons for service and requirements be delegated to the Head of Regulatory Services, in consultation with the Assistant Chief Executive.

#### 148 **STOPPING UP ORDER - BRIAR ROAD**

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

- 1.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (the Plan 1) and to the extent of the diverted highway being created to the extent described by stipple notation on Plan 2 as the land is required to enable development for which the Council has granted planning permission under planning reference P0365.13 to be carried out to completion.
- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

149 **STOPPING UP ORDER - BRIAR ROAD 2**

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

- 1.1 The Council makes a Stopping Up Order to stop up and divert highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway (highway) zebra hatched black on the attached plan (the Plan 1) and to the extent of the diverted highway being created to the extent described by stipple notation on Plan 2 as the land is required to enable development for which the Council has granted planning permission under planning reference P0364.13 to be carried out to completion.
- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

150 **STOPPING UP ORDER - HILLDENE NORTH. HILLDENE AVENUE**

The Committee considered the report and without debate **RESOLVED** that subject first to a written undertaking from the solicitors of those with the benefit of planning permission reference P1276.12 that they would take transfer of the land to be stopped up at the market value immediately on the expiry of the statutory appeal period under Section 287 of the Town and Country Planning Act 1990 should the Stopping Up Order be confirmed and second subject to the payment of legal costs in respect of the processing of the stopping up application, all related time costs and disbursements costs pursuant to advertising notices that:-

- 1.1 The Council makes a Stopping Up Order to stop up highway under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of footway and highway verge (highway) zebra hatched black on the attached plan (the Plan) as the land is required to enable development for which the Council has granted planning permission under planning reference P1276.12 to be carried out to completion.

- 1.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 1.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 1.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

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**Chairman**

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# Agenda Item 5

## Regulatory Services Committee

19 December 2013

<b>Page No.</b>	<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
1-6	P0617.13	Upminster	Damyns Hall Aerodrome, Averley Road, Upminster
7-16	P1110.13	Cranham	24 Severn Drive, Upminster

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## REGULATORY SERVICES COMMITTEE

19th December 2013

<b>APPLICATION NO:</b>	<b>P0617.13</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 17th May 2013 <b>Expiry Date:</b> 12th July 2013
<b>ADDRESS:</b>	Damyns Hall Aerodrome Aveley Road Upminster	
<b>PROPOSAL:</b>	Single storey extension to existing clubhouse/office/hangar building.	
<b>DRAWING NO(S):</b>	13-2013-01P 13-2013-02P	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

The application has been called in by Councillor Van den Hende on grounds that a Planning Inspector had previously upheld an enforcement notice that the cafe use of the building cease and the extension seems to be extending this use.

### **SITE DESCRIPTION**

Damyns Hall Aerodrome is a site in mixed use as agriculture, aerodrome and limousine business covering an area of approximately 48.5 hectares, located to the west of Aveley Road and north of Warwick Lane, approximately 1km south of the built up area of Upminster. The site contains a number of buildings and open areas, including:

- two grass runways;
- open fields, some of which are used for crop production;
- a storage/administrative building including a cafe for users of the site (ancillary use), offices and light aircraft storage (subject to this application);
- a residential mobile home;
- an unauthorised hanger building, subject to enforcement notice;
- a "tractor shed" dutch barn building providing storage for agricultural machinery;
- a barn building and associated yard with storage containers, used in association with a limousine business;
- to the west of the barn building a large vegetated bund formed of hardcore, up to 6 metres in height;
- an unauthorised area of hardstanding used as a car park (see planning history below)
- two "T" hangar buildings used to store light aircraft.

The main access to the site is from Aveley Road, running alongside Damyns Hall Cottages. The site is surrounded by mainly agricultural land, some longstanding commercial uses and some residential properties along the north and south of Aveley Road. The site is within the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

It is proposed to erect an extension to the administrative/clubhouse building. The extension would be single storey, 4.9 metres wide by 2.5 metres deep with mono-pitch roof from 3 to 3.5 metres high. The plans suggest that the area formed by the extension would provide an

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enlarged kitchen area.

**RELEVANT HISTORY**

There has been a number of planning applications and enforcement notices served in relation to the use of the site as an aerodrome. The site was owned by a local farmer who for many years used the site for the taking off and landing of light aircraft, both for his own use, use by flying clubs and use by individual enthusiasts. The aerodrome consisted of a grass runway and a hangar/clubroom building (subject to this application), surrounded by fields of crops.

There is no record of planning permission ever being granted for the use of the site as an aerodrome. In 2005, following the death of the site owner, the land was sold. The new owner of the site contacted staff in Planning as to possible future development of the site. He was advised that as there were no planning records that an aerodrome lawfully existed on the site, he should apply to establish the lawfulness of the use. An application for a Certificate of Lawfulness of Existing Use (Council Ref: E0005.06), with details of the historic use of the site, was submitted in early 2006. The Certificate was issued in 2007, confirming that the use as an aerodrome was lawful, but based on the information provided, limited to storage of a maximum of 15 aircraft being stored inside the existing hangar/clubroom building.

in 2007 and 2008 planning applications were submitted relating either to retention of buildings/intensified use or for new development:

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

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

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

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

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

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

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

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

A number of enforcement notices were served and were subject to appeal which took place by way of public inquiry in January 2010. Of particular relevance to this application is an enforcement notice directed against the use of part of the clubroom building as a cafe. The appeal was dismissed and enforcement notice upheld. The enforcement notice in effect requires that the cafe should only be open to aerodrome users and not generally available to members of the public.

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A planning application to provide a hangar building (Council Reference: P0010.12), on the site, replacing a number of existing buildings was reported to this Committee on 22 August 2013, where Members resolved to grant planning permission subject to conditions and a legal agreement. The legal agreement has not yet been completed.

**CONSULTATIONS/REPRESENTATIONS**

The application was advertised by way of site and press notice as well as notification to occupiers of nearby properties. Members should note that the application was readvertised by site notice, due to a change in the proposed description - the expiry date for the notice has not yet passed. If Members decide to grant planning permission it should be subject to no additional material objections being received before the expiry of the site notice.

Four letters of objection have been received raising the following issues:

- the cafe advertises all day breakfasts, this is contrary to the enforcement notice;
- proposal would adversely affect appearance in the Green Belt;
- proposal would increase use of the site and number of aircraft, causing noise disturbance from planes overhead;
- proposal would increase level of traffic to the site;
- current access is dangerous;
- proposal will result in loss of light and privacy;
- proposal will result in additional smell nuisance.

English Heritage Archaeology - No objection

Environmental Health - recommend landfill gas protection measures condition

Highways - No objection

**RELEVANT POLICIES**

LDF

CP14 - Green Belt

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

OTHER

LONDON PLAN - 7.16 - Green Belt

NPPF - National Planning Policy Framework

**MAYORAL CIL IMPLICATIONS**

The proposed extension would be less than 100 square metres floor area and so would not be liable to Mayoral CIL.

**STAFF COMMENTS**

The application would provide an extension to the clubroom and is shown on the submitted plans to provide an enlarged kitchen to the "cafe". There is an enforcement notice in force that requires that no cafe use be made of the building and that the clubroom building only be used for purposes ancillary to the use of the site as an aerodrome. A cafe provided for those using or visiting the aerodrome would not be in breach of the enforcement notice. The application has been assessed on the basis that the extension is to a use ancillary to the aerodrome. The enforcement notice remains in place and it is considered that the ancillary use of the building

## **REGULATORY SERVICES COMMITTEE**

**19th December 2013**

could be satisfactorily resolved through condition and informative, should planning permission be granted.

The main issues for consideration in this case is the principle of development, including whether the development is appropriate in the Green Belt, impact on openness of the Green Belt, impact on visual amenity, impact on neighbours and highways considerations.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC45 of the Local Development Framework (LDF) relates specifically to Green Belts and states that development shall only be for certain uses including outdoor recreation and also states criteria for extensions to dwellings. The proposal is not strictly solely connected with outdoor recreation and the extension is not to a dwelling so the development is not considered to be in accordance with this policy. However, Policy DC45 in the LDF has to an extent been superseded by Paragraph 89 of the National Planning Policy Framework (NPPF). This states that the extension or alteration of any building (not just dwellings) would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

In this case the current building has a floor area of 616 square metres and a volume of 2640 cubic metres. The proposed extension would have a floor area of 12.25 square metres and a volume of 38 cubic metres. As a proportion of the current building, the proposal would represent an increase of 2% in floor area and 1.4% in volume. The extension would project 2.5 metres from current building envelope. It is therefore judged that the limited extension would not be disproportionate and therefore would not be inappropriate development in the Green Belt. An assessment of the proposal on the openness of the Green Belt would need to be undertaken.

### **GREEN BELT IMPLICATIONS**

The proposed extension would be lower than the main part of the building, would be in matching materials. The projection from existing building lines is limited. The extension would be seen in the context of the larger building to which it would be attached and it is considered that there would not be a significant impact on the openness of the Green Belt.

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

The proposed extension would not be particularly visible from the street. The design is considered to be acceptable with no concerns being raised.

### **IMPACT ON AMENITY**

The proposed extension would be at least 120 metres from the boundary with nearest residential properties. The small size of the extension would be unlikely to result in significant increases in the use of the site and consequent noise and other disturbance.

### **HIGHWAY/PARKING**

Given the limited size of the proposed extension, no objections on highways grounds.

### **KEY ISSUES/CONCLUSIONS**

The proposed extension is considered not to be disproportionate and does not represent inappropriate development in the Green Belt, in accordance with Paragraph 89 of the NPPF. The proposal is considered to be of an acceptable design, with no impact on neighbours, in accordance with Policy DC61 of the LDF.

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Members should note that the application was readvertised by site notice, due to a change in the proposed description. It is therefore recommended that planning permission be granted, subject to no additional material objections being received before the expiry of the site notice. If new material objections are received, then the application will be re-reported to Committee for decision.

**RECOMMENDATION**

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

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

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

Reason:-

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

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

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since 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. Limitation on Scope of Permission 1**

The extension hereby approved shall only be used in connection with the main use of the building which for the avoidance of doubt is for purposes ancillary to the main use of the site as an aerodrome/agriculture.

Reason:

To ensure that the proposal has no additional impact through increase activity and/or traffic movements.

**4. Limitation on Scope of Permission 2**

This permission relates solely to the extension to the existing clubhouse/office/hangar building and does not grant permission for any other development or use at the site.

Reason:

To ensure that the proposal has no additional impact through increase activity and/or

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**5. SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

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

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**INFORMATIVES**

**1 Attention to Applicant - Use of Building/Extension**

The applicant's attention is drawn to the current Enforcement Notice in place that requires that a cafe use should cease. Any cafe use on the site should be limited to that ancillary to the main use of the site. The cafe should not be available for general public use.

**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.

## REGULATORY SERVICES COMMITTEE

19th December 2013

<b>APPLICATION NO:</b>	<b>P1110.13</b>	
<b>WARD :</b>	Cranham	<b>Date Received:</b> 10th September 2013 <b>Expiry Date:</b> 5th November 2013
<b>ADDRESS:</b>	24 Severn Drive Upminster	
<b>PROPOSAL:</b>	Side and rear single storey extension, garage conversion, external works including 2 no Dropped Kerb width increases. Change of use from dwelling (C3) to a daycare nursery (D1) and canopy Supporting Document received 12.11.13	
<b>DRAWING NO(S):</b>	8954 25 Rev B 8954 26 Rev B	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reason(s) given at the end of the report given at the end of the report.	

### **CALL-IN**

Councillor Ford requested this application be called in to committee unless it is refused under delegated powers, on the grounds of increased parking pressures with existing traffic problems due to school activity, the estate was designated as residential, increased noise activity and drainage concerns.

Councillor Steven Kelly requested this application be called in to committee if the recommendation is for refusal, on the grounds that the plan fits in with the Local Development Framework and there are matters of judgement which would be best discussed by Members of the Regulatory Services Committee.

Councillor Tebbutt requested this application be called in to committee if the recommendation is for refusal, on the grounds that there is not a transfer issue (as identified), the position of the nursery is not of any real concern and there is a need for a facility of this type.

### **SITE DESCRIPTION**

The application site is a detached dwelling located on the junction of Severn Drive and Clyde Crescent. Engayne Primary School is located opposite the site. There is a driveway leading to a block of garages to the rear of the site. The surrounding area is characterised by two storey detached, semi-detached and terraced properties. There is a low brick wall on the western boundary of the site. There is a low brick wall and timber paling fence with trellis above on the southern boundary of the site. There is a timber paling fence with trellis above on the northern and eastern boundaries of the site.

### **DESCRIPTION OF PROPOSAL**

Permission is sought for side and rear single storey extensions, a canopy, a garage conversion, external works including 2 No. dropped kerb width increases and a change of use from a dwelling (C3) to a day care nursery (D1) entitled Little Explorers Day Care Nursery.

The exterior walls and roofs of the single storey side and rear extensions have been erected, but the work is not complete. On the southern side of the property, level with the main front wall, an extension has been built which is 4m wide and projects 3.7m beyond the rear wall of the

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property adjoining a single storey rear extension. Setback 6m from the main front wall on the northern side of the property, a 1m wide extension has been erected which projects to adjoin the single storey rear extension. A 3.7m high gabled end roof has been erected on the northern side with a hipped roof to the same height (2.4m high to eaves) provided to the rest.

The proposed nursery would operate within three age ranges (under 2's, 2 to 3 and 3 to 5) and occupy 5 separate nursery classrooms together with an office, reception, kitchen and laundry facilities.

There would be a maximum of 52 children in total. The age of the children would be from 0-5 years. The opening hours are proposed to be from 07:30 to 19:30 Monday to Friday. There would be six full time members of staff and six to seven part time members of staff. There would be an outdoor play area to the rear of the site. A maximum number of 16 children will only be allowed access to the garden between the hours of 9.15am and 4.30pm Monday to Friday. The canopy in the rear garden consists of a shade sails fixed to the building and posts.

### **RELEVANT HISTORY**

P0400.13 - Side and rear single storey extension, garage conversion, external works including 2 no. dropped kerb width increases. Change of use from dwelling (C3) to a daycare nursery (D1) and canopy - Refused. Appeal lodged but not determined.

P1533.12 - Single storey side and rear extension - Approved.

P0199.11 - Single storey side extension - Approved.

P0647.10 - Subdivision of single dwelling into 2 No. 3 bedroom houses and single storey rear extension. Front bay extension with canopy - Approved.

P1845.08 - Two storey side/rear and single storey rear extension and sub-division of single dwelling into 2 no. four bedroom houses - Refused. Appeal dismissed.

P1163.02 - Single storey rear extension - Approved.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 34 properties. 31 letters of support were received (five of which were in a pro-forma form and eight were from people outside the London Borough of Havering) as well as a petition with 26 signatures.

13 letters of objection were received with detailed comments that have been summarised as follows:

- Proximity of the site to Engayne primary and junior schools.
- Traffic, congestion and its impact on the condition of Clyde Crescent, which is in need of repair.
- There are no speed bumps outside the school.
- There have been no changes to the application that would address the reasons for refusal for the previous application, P0400.13.
- It is alleged that the figures for Early Years spaces in the local vicinity are incorrect, as a 30 space nursery is open and running at 20% capacity.
- Parking.
- Pollution.
- Highway safety.
- The site has a low level of public transport accessibility, which would increase access by car for



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both attendees and staff.

- It is alleged that the applicants need to prove ownership of the garages at the rear in Clyde Crescent and Isis Drive to demonstrate that the parking provision is sustainable.
- It is alleged that the parking space in the Isis Drive compound is not valid as it is not owned by the applicant.
- There is no provision within the current plans that will enable cars to exit the driveway in forward gear.
- There are two nurseries in close proximity to the site and queried the need for a third nursery.
- It is alleged that the applicant has not consulted local residents for this application.
- Noise from traffic and children in the garden.
- Impact on neighbouring amenity including noise and disturbance.
- The property does not have enough land and is too close to neighbouring properties.
- This residential area is not an appropriate location for a day care nursery.
- Concerns regarding the enforcement of planning conditions if minded to grant planning permission.
- Reference was made to legal covenant restrictions.
- The use of a business premises within a residential area.
- Loss of a residential dwelling given the current housing shortage.
- Drainage.

In response to the above comments, drainage is not a material planning consideration and is a Building Control matter. Comments regarding legal covenants are neither material planning considerations. The single storey side and rear extension was approved under a Householder planning application, P1533.12 on 25th February 2013 and it was necessary to apply for full planning permission due to the inclusion of the change of use and the fact that works had not been completed prior to the submission of the application. Comments regarding ownership of the garages and parking spaces are not material planning considerations. The remaining issues will be addressed in the following sections of this report.

London Fire and Emergency Planning Authority is satisfied with the proposals.

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

### **RELEVANT POLICIES**

Policies CP8 (Community needs), CP17 (Design), DC1 (Loss of housing), DC26 (Location of community facilities), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework.

Policies 3.18 (Education facilities), 7.13 (Safety, security and resilience to emergency), 7.4 (Local character) and 7.6 (Architecture) of the London Plan 2011.

Chapters 4 - Promoting sustainable transport and 8 - Promoting healthy communities of the National Planning Policy Framework are relevant.

### **MAYORAL CIL IMPLICATIONS**

Not CIL liable.

### **STAFF COMMENTS**

This application is a resubmission of an earlier application (P0400.13) which was refused planning permission by the Regulatory Services Committee for the following reasons.

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1) The proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

2) The proposal, by reason of the extent of parking to the front and rear of the property, would adversely affect the character and appearance of the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

The issue in this case is whether the revised proposal overcomes previously stated concerns.

In this respect, the current application differs from the refused scheme in the following key areas:

- The three parking spaces to the rear of the site have been removed.
- The applicant has acquired two garages accessed via the driveway in Clyde Crescent to the rear of the site and four garages and one car parking space accessed via the driveway in Isis Drive. All six garages and one car parking space would be made available exclusively for staff members.

The main issues in this case are the principle of the change of use, the impact on the streetscene, the amenity of neighbouring occupiers and any highway and parking issues.

### **PRINCIPLE OF DEVELOPMENT**

Policy DC1 states that planning permission resulting in the net loss of housing will only be granted in exceptional circumstances where it involves the provision of community facilities, or is necessary to meet the specific needs of the community or necessary to deliver a mixed and balanced community. The development would need to satisfy aspects of DPD policies DC26 and DC61, which provide, in combination, that new development, including the provision of community facilities, should not have a significant adverse effect on residential character and amenity. This will be assessed in the following sections of this report.

Nurseries are accepted as being 'community facilities', where there is a requirement for places within the borough. Childcare Services has investigated childcare sufficiency in the locality of the proposed new setting and has identified five pre-schools/day nurseries within one mile of Engayne Primary School. Two of which offer day care provision on mornings only and two operate between 8.35am and 15.25pm Monday to Friday. The fifth offers day care provision between 7.30am and 6.30pm Monday to Friday. Childcare Services support the full day care facility, as only one offers full time care and four pre-schools/day nurseries specialise in sessions of care. The opening hours of the proposed nursery will support parents. The government is paying for 2 year olds to access 15 hours of early years education, which will contribute to the need for additional childcare places. There is also an increase in live birth data.

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 in Upminster. There is, therefore, a real need to increase the number of childcare places within this area.

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

Planning permission was granted for a single storey side and rear extension under application P1533.12 on 25th February 2013. The dimensions and design of the extensions remain the same as that previously approved and therefore, are deemed to be acceptable and do not adversely affect the streetscene.

From a design point of view, no objection is raised to the conversion of the garage. A pair of entrance doors and a window will be provided in the front elevation and matching brickwork will be provided. It is considered the garage conversion will integrate satisfactorily with the character of the property and the streetscene.

It is considered that increasing the width of two dropped kerbs and the canopy in the rear garden would be acceptable and would not adversely affect the streetscene.

The previous planning application, P0400.13, was refused as the proposal, by reason of the extent of parking to the front and rear of the property, would adversely affect the character and appearance of the streetscene. In this instance, the three parking spaces to the rear of the site have been removed. The agent asserts that if there is any concern based on the character of the area by virtue of the earlier application, then this reduction in onsite parking and the substitution of the garage space in the immediate vicinity should allay any concerns. Staff consider that removing the three car parking spaces to the rear of the site represents an improvement, although the provision of seven parking spaces at the front of the site remains unchanged and as such, this amendment to the proposal has not satisfactorily addressed this reason for refusal. Therefore, it is considered that the extent of parking to the front of the site would continue to adversely affect the character and appearance of the streetscene contrary to Policy DC61. Members are invited to apply their judgement to this aspect of the scheme.

**IMPACT ON AMENITY**

The dimensions and design of the extensions remain the same as that previously approved under application P1553.12 and therefore, are deemed to be acceptable and do not adversely affect the amenity of neighbouring occupiers.

The previous application was refused as the proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity.

In respect of noise and disturbance, the agent has requested that the following points to be taken into account when assessing this application.

1) The three parking spaces to the rear of the site have been removed. The applicant has acquired two garages accessed via the driveway in Clyde Crescent to the rear of the site and four garages and one car parking space accessed via the driveway in Isis Drive. All six garages and one car parking space are in the applicant's ownership and would be made available exclusively for staff members. The agent asserts that if there is any concern based on noise and disturbance by virtue of the earlier application, then this reduction in onsite parking and the substitution by garage space in the immediate vicinity should allay any concerns.

2) There is no evidence to demonstrate that there will be any change to the noise climate, or increases in noise levels arising from the proposals, principally because any noise will be indistinguishable from the noise generated from Engayne Primary School directly opposite the site.

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3) No new type of noise will be generated by virtue of these proposals. The only noise sources are arrivals and departures from the site and children playing. These same noises are already present on a much larger scale from Engayne Primary School. It is not demonstrated that the impact of a small nursery facility for 52 children will create any noise and disturbance distinguishable from the existing noise climate.

4) There will be no activity at unsocial hours. Most attendees will attend at hours which coincide with the primary school. There will be some attendance at 7.30am which is a time of day when there is already substantial activity on a residential estate, largely associated with journeys to work. There will be some attendance until 19.30 in the evening which is a time when people are still returning from work. There is no early morning or late evening activity; no weekend activity; no bank holiday activity.

5) Acoustic fencing can be required by condition, as can days and hours of operation.

When Members reached a judgement regarding the noise and disturbance arising from the intensification of the use of the property and its curtilage for application P040013, the following mitigating factors were taken into account: the building is detached; Environmental Health was consulted and it is not necessary to insulate the building in respect of noise.

It is proposed to retain a number of the existing trees in the rear garden. There would be a 2m high acoustic fence inside the existing fence partially along the northern and eastern boundaries of the site and boundary vegetation, which would help to buffer any noise and these can be secured by condition if minded to grant planning permission. The supporting information details that the surface materials of the garden area will include the latest technology to absorb noise. Also, any larger play apparatus will be positioned towards the southern boundary, which borders Clyde Crescent, to increase its separation distance from residential neighbours.

When reviewing the merits of this application, weight was attached to the benefit of linked trips, whereby parents could drop off their children to Engayne Primary School and the proposed nursery at the same time. In addition, the operating hours for the nursery are from 7.30am to 7.30pm Monday to Friday, which would help to stagger the pick up and dropping off times.

The opening hours remain the same as the previous application, P0400.13. The opening hours are proposed to be from 07:30 to 19:30 Monday to Friday and not at all on Saturdays, Sundays, Bank or Public holidays, which can be secured by condition. In addition, there would be a maximum of 16 children accessing the garden at any given time, between the hours of 9.15am and 4.30pm Monday to Friday and this can be secured by condition if minded to grant planning permission.

The total number of children that would be on the site would be 52. There would be six full time members of staff and six to seven part time members of staff. This is the same as previously proposed.

Staff consider that removing three parking spaces from the rear of the site represents some improvement. Nevertheless, it is considered that the proposed use would continue to result in noise and disturbance from cars manoeuvring, car doors slamming, additional pedestrian movements and cars starting and moving off. The number of children and staff remain the same as the previous application P0400.13 as does the proposed opening hours. It is considered that the proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would continue result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and

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Development Control Policies DPD. Members may reach a different view when considering the amendments which have been made to this scheme.

### **HIGHWAY/PARKING**

The off street parking requirement for a Day nursery/creche is 1 space for each equivalent full time member of staff. There would be six full time members of staff and six to seven part time members of staff. The average and minimum requirement for the site at full occupation is twelve members of staff.

The total number of spaces required is 14, which includes two spaces for a drop off area. A transport statement, travel plan and on-street parking assessment were submitted with this planning application. Car parking and drop-off is provided at the front of the site. The hardstanding area is proposed to be extended. There is a total of 14 off street parking spaces including two spaces for drop offs and pick ups. Of these fourteen spaces, there would be seven off street parking spaces in the front garden of the site (which includes one disabled space), which includes two for dropping off. In addition, there are two garages accessed via the driveway in Clyde Crescent to the rear of the site and four garages and one car parking space accessed via the driveway in Isis Drive. All six garages and one car parking space would be made available exclusively for staff members. Therefore, numerically, the proposal meets the Council's maximum parking standard of 1 space per member of staff.

Staff have concerns regarding the garages accessed from Isis Drive, in terms of the practicality of using the garages on a day to day basis given their distance from the application site. The agent has advised that the spaces are specifically for staff, who are under the control of the applicant via their terms and conditions of service. Also, the applicant has carried out an on-street parking assessment, which reveals that parking levels are below the 85% stress threshold in most local streets at times of peak activity. It is noted that the surveys for the on-street parking assessment were undertaken at four specified times on one day - Tuesday 15th October. The agent has advised that the proposal meets the maximum parking standards (rather than the minimum) and there is in any event sufficient available on street parking. The appropriateness and practicality of the garages assessed from Isis Drive is a matter of judgement for Members.

The Highway Authority has concerns over the location of the proposed day nursery opposite Engayne School. The Highway Authority are satisfied that 7 parking spaces are available at the front of the dwelling (2 of which are shown as the dropping off area) and that a further 6 garages are also available in garage sites in Clyde Crescent and Isis Drive. The Design and Access statement states that at full capacity there will be the equivalent of 12 full time members of nursery personnel employed by the nursery. 'School Keep Clear' and 'No Waiting At Any Time' restrictions are present in Severn Road and on the corner of Clyde Crescent and those restrictions are enforced by the Council's Civil Enforcement Team (Traffic Wardens). The Highway Authority therefore has no objection to the proposals but would encourage the applicant to provide and enforce a robust Travel Plan to mitigate against any extra car journeys by staff.

Areas to the side of the building will consist of hardstanding for buggy parking and cycle storage. The supporting statement refers to a local recruitment drive to encourage applications from the local population to minimise staff travelling. There would also be the benefit of linked trips, whereby parents could drop off their children to Engayne Primary School and the proposed nursery at the same time. In addition, the operating hours for the nursery are from 7.30am to 7.30pm Monday to Friday, which would help to stagger the pick up and dropping off times.

In summary, the proposal does meet the maximum parking standards for a day nursery and no

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objections are raised in this respect, although the practicality of the garages accessed from Isis Drive is a matter of judgement for Members.

**KEY ISSUES/CONCLUSIONS**

Staff consider that the principle of the change of use from a dwelling to a day care nursery is acceptable in this instance, as it involves the provision of a community facility, which would help to contribute to the number of childcare places in Cranham.

The dimensions and design of the extensions remain the same as that previously approved and therefore, are deemed to be acceptable and do not adversely affect the streetscene or the amenity of neighbouring properties.

It is considered that increasing the width of two dropped kerbs, the garage conversion and the canopy in the rear garden would be acceptable and would not adversely affect the streetscene or the amenity of neighbouring occupiers.

Staff consider that removing the three car parking spaces to the rear of the site represents an improvement, although the provision of seven parking spaces at the front of the site remains unchanged. Therefore, it is considered that the extent of parking to the front of the site would continue to adversely affect the character and appearance of the streetscene contrary to Policy DC61.

In addition, the number of children and staff remain the same as the previous application P0400.13, as does the opening hours. It is considered that the proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would continue to result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

The proposal meets the Council's maximum parking standard and the applicant has carried out an on-street parking assessment, which reveals that parking levels are below the 85% stress threshold in most local streets at times of peak activity. This is off set by the highway safety concerns given the proximity of the application site to Engayne Primary School and the practicality of the garages accessed from Isis Drive. The current proposal has required some judgement in relation to the planning issues arising. Members may place different weight on these issues. Overall, Staff are of the view that the scheme has not overcome the previous reasons for refusal and therefore planning permission should be refused.

**RECOMMENDATION**

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

**1. Reason for refusal**

The proposal, by reason of noise and disturbance arising from the intensification of the use of the property and its curtilage, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

**2. Reason for refusal**

The proposal, by reason of the extent of parking to the front of the property, would adversely affect the character and appearance of the streetscene, contrary to Policy

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DC61 of the Core Strategy and Development Control Policies DPD.

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**1 Refusal - No negotiation**

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

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

**19 December 2013**

**Subject Heading:**

P1123.13 - Land to the side of 84 Dorking Road, Romford - The erection of 2 no. 1 bed bungalows (received 23/09/13)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

This application relates to Council owned undeveloped land. The application proposes the erection of 2 no. 1 bed chalet bungalows. Staff consider the proposal to be acceptable. The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 37.5m<sup>2</sup> per bungalow and amounts to £1,500.

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) (and subsequently on taking transfer of title to the application site from the Council to enter a further Deed under section 106 of the Town and Country Planning Act 1990 confirming that the obligation set out below bind the applicant as transferee/owner of the application site), to secure the following:

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

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

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

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

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

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

accords with Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

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

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

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

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring

properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

8. 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. 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.

10. 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.

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

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

13. Risk and Contamination Assessment, Part 1: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an

intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

**Reason:** In the interest of residential amenity.

18. 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.

19. Protecting of grass verge: Before the building (s) hereby permitted is first occupied, measures for the prevention of parking on the grass verges shall be submitted to and approved in writing by the Local Planning Authority.

The prevention measures shall be provided and implemented in strict accordance with the approved details.

**Reason:** To enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

## INFORMATIVES

1. Fee Informative:

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

2. Planning Obligations

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

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

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

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

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



6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### **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 37.5m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £1,500 (subject to indexation).

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

- 1.1 The application site is an empty piece of land which is located to the side of No. 84 Dorking Road, Romford. The site is surrounded by residential dwellings. The ground is relatively level. The site has an overall area of approximately 876.5m<sup>2</sup>.
- 1.2 Development in the vicinity is characterised by 2-storey residential dwellings which predominantly have a brick finish.

### **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 2 no. 1 bed bungalows with associated parking and amenity.
- 2.2 The dwellings would measure 5.5m in width and 10.1m in depth. They would each have a dual pitched roof and would measure 2.5m to the eaves and 5.25m to the top of the ridge. The dwellings would be located towards the southern part of the site and will be set 300mm off the closest boundary.
- 2.3 The proposed dwellings would consist of a bathroom, living / dining room, kitchen and a bedroom.
- 2.4 There would be a bin collection point along the access road, approximately 20m from the front of the proposed dwellings and 13m from the edge of the highway.
- 2.5 The development proposes a new 3m wide access road off Dorking Road. Parking provision for 4 vehicles would be provided on a hardstanding to the side of the side of the dwellings.
- 2.6 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear (northwest) and wrapping around to the sides, measuring approximately 94m<sup>2</sup> for plot 1 and 204m<sup>2</sup> for plot 2, summarised later in the report.

### **3. History**

- 3.1 No recent, relevant planning history.

### **4. Consultation/Representations**

- 4.1 Notification letters were sent to 37 neighbouring properties and 1 letter of objections was received raising the following concerns:
  - Natural soak away that park provides will be reduced leading to possible subsidence
  - Damage to properties and pavement during construction
  - Concerns over access arrangements during construction and damage to existing dwelling
  - Concerns about possible damage to water main and nearby gas main.
  - Parking on grass verges would result in mud transferred to road and could lead to damage to neighbouring property
- 4.2 The Council's Environmental Health Service requested a contamination condition.
- 4.3 The Highway Authority has raised no objection to the proposal but recommends that the width of the access road is increased

- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

## **5. Relevant Policies**

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

## **6. Staff comments**

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 Members should note that the disposal of the subject land as an open space was approved by at a Cabinet Meeting on 25 September 2013.
- 6.3 Principle of Development
  - 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
  - 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 37m<sup>2</sup> for a 1-person dwelling. The

proposed dwellings have individual internal floor space of 37.5sq.m which is in line with the recommended guidance and considered acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

### 6.3 Site Layout / Amenity Space

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

6.3.2 Amenity space would mainly be provided with garden spaces towards the rear (southeast) and wrapping around to the sides, measuring approximately 94m<sup>2</sup> for plot 1 and 204m<sup>2</sup> for plot 2. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 23 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 In terms of the general site layout, the proposed detached dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between

buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

#### 6.4 Impact on Local Character and Street Scene

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

6.4.2 The proposal would not form part of the Dorking Road street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.

6.4.3 The characteristic built form in the immediate surrounding area are mainly two storey brick built dwellings.

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

#### 6.5 Impact on Amenity

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

6.5.2 Neighbouring dwellings to the south and southeast are separated from the proposed dwellings by approximately 15m and 21m respectively at the nearest points. Neighbouring dwellings to north and northeast are separated from the proposed dwellings by approximately 20m and 22m respectively at the nearest points. The distance is considered acceptable as the proposed dwellings are bungalows with no roof accommodation. Any potential overlooking from windows at ground floor would be mitigated by high boundary fencing.

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

- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 2 x 1-bed bungalows would not give rise to an unacceptable level of vehicular activity.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 2 no. dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.6 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 4 x No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The London Fire and Emergency Planning Authority has raised no objection and is satisfied that a pump appliance can access the site.
- 6.6.3 A condition would be added to provide storage for 2 no. cycle spaces in order to comply with the Council's standards.
- 6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.
- 6.7 The Mayor's Community Infrastructure Levy

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 37.5m<sup>2</sup> which equates to a Mayoral CIL payment of £1,500.

#### 6.8. Planning Obligations

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £12,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

#### 6.9 Other Issues

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. There would be a bin collection point along the access road, approximately 18m from the front of the proposed dwelling and 13m from the edge of the highway. The bin collection point is within an acceptable distance from the highway and the front of the dwellings in order for refuse collection to take place. Staff consider the refuse arrangements to be acceptable, without a vehicle having to enter into the site to collect it.

6.9.2 Neighbouring objections relating to the soak ways, subsistence, possible damage as a result of construction activities, are not material planning consideration. Issues relating to access rights are a Civil matter between the neighbours and the new land owner.

### 7. Conclusion

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

## IMPLICATIONS AND RISKS

### Financial Implications and risks:

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

**Legal Implications and risks:**

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

**Human Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

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

**BACKGROUND PAPERS**

1. Application forms and plans received 23/09/2013.



# REGULATORY SERVICES COMMITTEE

19 December 2013

# REPORT

**Subject Heading:**

P1123.13 - P1122.13 - Land rear of 51 and 49 Keats Avenue, Romford - The erection of 1 no. 3 bed bungalow with associated parking (received 23/09/13)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

This application relates to Council owned undeveloped land. The application proposes the erection of 1 no. 3 bed bungalow. Staff consider the proposal to be acceptable. The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 82.2m<sup>2</sup> and amounts to £1,644.

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 (and subsequently on taking transfer of title to the application site from the Council to enter a further Deed under section 106 of the Town and Country Planning Act 1990 confirming that the obligation set out below bind the applicant as transferee/owner of the application site):

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

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

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

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

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

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

accords with Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

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

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

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

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring

properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

8. 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. 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.

10. Highway Agreements: Where the Council as highways authority consider appropriate 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.

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

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

12. 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.

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

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

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

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

15. Sprinkler system: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

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

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

**Reason:** In the interest of residential amenity.

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

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

## **INFORMATIVES**

1. Fee Informative:

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

## 2. Planning Obligations

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

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

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
4. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
6. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

7. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### **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 82.2m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £1,644 (subject to indexation).

## **REPORT DETAIL**

### **1. Site Description**

- 1.1 The application site is an empty piece of land which is located to the rear of No.'s 51 to 49 Keats Avenue. The site is surrounded by residential dwellings to the north, south and east. The Risebridge Golf Course is situated to the west. The ground level drop down the application site towards No. 51 Keats Avenue. The site has an overall area of approximately 524.4m<sup>2</sup>.
- 1.2 Development in the vicinity is characterised by a mixture of 2-storey residential dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.

### **2. Description of Proposal**

- 2.1 The application seeks permission for the erection of 1 no. 3 bed bungalow with associated parking and amenity.
- 2.2 The dwelling would measure 9.4m in width and 11.45m in depth. The dwelling would have a hipped roof measuring 2.3m in height to the eaves and 6.44m to the top of its ridge. The dwelling would be located towards the southwestern part of the site and will be set 0.75m off the closest boundary.



- 2.3 The proposed bungalow would consist of a bathroom, living / dining room, kitchen and 3 no. bedrooms.
- 2.4 The proposal would retain the existing access road to the site measuring approximately 3.98m in width.
- 2.5 There would be a bin collection point along the access road, approximately 30m from the front of the proposed dwelling and 10m from the edge of the highway.
- 2.6 Parking provision for 2 vehicles would be provided on a hardstanding to the front of the dwelling.
- 2.7 The dwelling would have an east-west orientation with garden spaces towards the rear (west) and wrapping around to the sides, measuring approximately 93m<sup>2</sup>.

### **3. Relevant History**

- 3.1 P1282.11 - Redevelopment of the site for the erection of 1 dwelling with associated parking - Withdrawn

### **4. Consultation/Representations**

- 4.1 Notification letters were sent to 12 neighbouring properties and 7 letters of objections were received raising the following concerns:

- Not in keeping with the surrounding area
- Overlooking
- Overdevelopment of the site
- People will block the access road which is a right of way
- Loss of light
- Possible damage to neighbouring fencing
- Not enough on-site parking provided
- Safety concerns with regard to the movement of construction vehicles
- Noise and pollution as a result of the development
- Disturbance to horses as a result of the construction noise
- Installation of services may block access road
- Current movement of horses early in the mornings and late at night may impact on the amenity of the new residential occupiers

- 4.2 The Highway Authority has raised no objection to the proposal.
- 4.3 The Borough Designing Out Crime Officer requires a Secured by Design condition and informative.
- 4.4 The London Fire and Emergency Planning Authority has stated that there is insufficient room for a pump appliance to manoeuvre and has suggested a domestic sprinkler systems as an alternative.

## **5. Relevant Policies**

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

## **6. Staff Comments**

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Principle of Development*
  - 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.
  - 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 74m<sup>2</sup> for a 3-bed 4-person dwelling. The proposal has an internal floor space of 82.2sq.m which is in line with the recommended guidance and considered acceptable.
  - 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance

with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

### 6.3 *Site Layout / Amenity Space*

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

6.3.2 Amenity space would mainly be provided with garden spaces towards the rear (west) and wrapping around to the sides, measuring approximately 93.8m<sup>2</sup>. The site currently has screen fencing around some of its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 19 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front with an adequate amenity area towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and although close to the flank boundary of No. 47 Keats Avenue, given the low eaves and ridge height, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

### 6.4 *Impact on Local Character and Street Scene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments

should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would not form part of the Keats Avenue street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.

6.4.3 The characteristic built form in the immediate surrounding area are mainly two storey dwellings built from a mix of bricks, render and pebble dash.

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

## 6.5 Impact on Amenity

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

6.5.2 Neighbouring properties to the east and southeast are separated from the proposed dwelling by approximately 13m and 20m respectively at the nearest point. The distance is considered acceptable as the proposed dwelling is a bungalow with no accommodation proposed in the roof. Any potential impact to these properties is therefore considered acceptable as the windows situated at ground floor will be located behind high fencing.

6.5.3 Although there will be some impact in term of outlook to the neighbour at No. 47 Keats Avenue due to the close proximity of the bungalow to its rear flank boundary, Staff do not consider this to be unacceptable as the proposed impact would be minimised due to the bungalow form of the development, with hipped roofs angling away from neighbouring boundaries and a low eaves and ridge height.

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

6.5.5 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 1 x 3-bed bungalow would not give rise to an

unacceptable level of vehicular activity. Although there may not be any impact as a result of the development there are concerns that existing access arrangements to the land to the rear of the site, which is being used for the keeping of horses, would have an impact on the amenity of future occupiers of the proposed development. Staff however do not consider this to be sufficient reason to refuse the application as any future occupier would be aware of the existing access arrangements and right of way over part of the subject site.

- 6.5.6 In terms of general noise and disturbance, it is not considered that the addition of 1 no. dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 2 x No. parking spaces to the northwestern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The London Fire and Emergency Planning Authority has stated that there is insufficient room for a pump appliance to manoeuvre, however the Fire Brigade have no objection subject to a condition requiring domestic sprinklers to the proposed dwelling.
- 6.6.3 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

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

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 82.2m<sup>2</sup> which equates to a Mayoral CIL payment of £1,644.

## 6.8. *Planning Obligations*

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

## 6.9 *Other Issues*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. There would be a bin collection point along the access road, approximately 30m from the front of the proposed dwelling and 10m from the edge of the highway. The bin collection point is within an acceptable distance from the highway and from the dwelling in order for refuse collection to take place, without a vehicle having to enter into the site to collect it.

## 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:**

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

### **Legal Implications and risks:**

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

### **Human Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

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

**BACKGROUND PAPERS**

1. Application forms and plans received 23/09/2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

5 December 2013

**Subject Heading:**

**P1136.13 104 Petersfield Avenue,  
Romford**

**Change of Use of the existing vacant  
retail (A1) unit to a hot food takeaway  
(A5) with new rear external extract duct  
(Application Received 17 October  
2013).**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

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

**SUMMARY**

The application is brought to committee as the proposal relates to a council owned site. The application is for the change of use of the vacant A1 (Retail) premises to

A5 (Takeaway) and involves the installation of an extract duct to the rear of the property. The proposal is considered acceptable in all material respects, including principle, design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. Subject to safeguarding conditions, it is recommended that planning permission is granted.

## RECOMMENDATIONS

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

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

Reason:-

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents approved by the local planning authority:

3043\_PL01, 3043\_PL02, 3043\_PL03, 3043\_PL04, 3043\_PL04a,  
3043\_PL05, 3043\_PL06

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

3. Hours of operation - The premises shall not be used for the purposes hereby permitted other than between the hours of 11.00am to 23.00pm on Monday to Friday, 11.00am to 23.00pm hours on Saturdays and 11.00am to 22.00pm on Bank Holidays and Sundays 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. Refuse and recycling - Before the uses commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall include details of the method and location of refuse storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal shall thereafter be permanently

maintained,. The scheme shall be implemented on site, in accordance with the approved details, prior to the commencement of the use hereby approved and retained permanently thereafter.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61

5. Environment Condition - 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 designed and certified by a competent engineer and after installation a certificate to be lodged with the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated to its design specifications during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

6. Noise and Vibration 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

7. Details of the Flue – Details of the colour and finish of the flue hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work.

Reason:-

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

## **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 comprises of the ground floor and basement of 104 Petersfield Avenue which is a vacant A1 Retail unit.
- 1.2 The property is a mid-terrace within a row of 21 units. These properties combined are designated as a Major Local Centre. The upper floors of the parade consist of residential maisonettes.
- 1.3 To the front of the site is a layby and to the rear is a car park that provides car parking spaces for the parade.
- 1.4 To the southwest of the site are residential properties.
- 1.5 To the north east of the site is a day centre and St. Pauls Church.

### **2. Description of Proposal**

- 2.1 The application seeks planning permission for the change of use of 104 Petersfield Avenue from an A1 (Retail unit) to an A5 (Takeaway) and the installation of an associated duct.
- 2.2 The proposed hours of use are as follows:

Monday to Friday	11.00am to 23.00pm
Saturdays	11.00am to 23.00pm
Bank Holidays and Sundays	11.00am to 22.00pm
- 2.3 The application is accompanied by indicative ground floor plans which indicate the provision of a waiting area, service bar and two kitchen areas. The basement area would provide a staff area, kitchen and WC.

2.4 In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flank rear wall of the building.

### **3. Relevant History**

3.1 108 Petersfield Avenue, Romford

P1133.13 Change of Use of the existing vacant retail (A1) unit to a hot food takeaway (A5) with new rear external extract duct (Application Received 17 October 2013).

Application pending

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

4.1 The application was publicised by the direct notification of adjoining properties on the 25<sup>th</sup> November 2013.

4.2 No letters of objection have been received to date. Any letters received will be verbally reported to members on the evening of the committee.

### **5. Relevant Policies**

5.1 LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC36 - Servicing

5.2 LONDON PLAN

2.15 - Town Centres

4.7 - Retail and town centre development

4.8 - Supporting a successful and diverse retail sector

6.13 - Parking

6.9 – Cycling

5.3 NATIONAL POLICY GUIDENCE

NPPF - National Planning Policy Framework

### **6.1 Staff Comments**

6.1.1 The issues arising from this application are the principle of development, the impact of its design, scale and massing on the character of the area, impact on neighbours living conditions and parking and highway matters.

### **6.2 Principle of Development**

6.2.1 The application site is located within the Major Local Centre. Policy D16 states that planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- the use provides a service appropriate to a shopping area
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local Centres, a 33% figure will apply.

6.2.2 The application is for an A5 "Hot Food Takeaway" at a vacant A1 unit.

6.2.3 The purpose of the retail frontage is to provide retail and service uses so that they do not have to be located in more sensitive area such as within residential areas. In this instance, the proposed use would remain within the "A-Use" class, provide a service, create a footfall and generally contribute to the vitality and viability of the centre. The proposed change of use would not result in 3 or more A2-A5 adjoining uses. The change of use of the application site would result in approximately 19% of the length of the existing frontage being non-retail frontage. The change of use of no. 104 and no. 108 combined would result in approx. 24% of the length of the frontage being non-retail frontage.

6.2.4 Details have been submitted in relation to the layout of the unit which show that the customer counter and waiting area would be located to the front of the premises and the kitchen would be located to the rear. In addition, the Takeaway would be open during the normal shopping hours of this local parade.

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

6.2.7 Subject to the proposal safeguarding the character and appearance of the area, neighbours amenity and it not being prejudicial to highway safety and parking standards, the proposed change of use is therefore considered acceptable in principle.

### **6.3 Design / Impact on Streetscene**

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

- 6.3.2 The proposed application does not involve any external works to the existing shop front or fascia.
- 6.3.2 The proposed extraction flue would not be visible from Petersfield Avenue or harmful to the street scene, as it would be located to the rear the building. In addition, the width and depth of the extraction flue are relatively modest in size. Details of the colour and external finish of the extraction flue will be secured by condition if minded to grant planning permission. Overall, it is considered that the extraction flue would be within the realms of acceptability.
- 6.3.3 It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area. The proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF.

#### **6.4 Impact on Amenity**

- 6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.4.2 The proposed flue by reason of its location, limited scale and separation distance from habitable rooms of the first floor residential properties would not result in any loss of outlook and sunlight and daylight to warrant a reason for refusal. The change of use by reason of its nature and its proposed non- domestic use would not raise any overlooking or loss of privacy concerns.
- 6.4.3 With regard to the impact upon the amenity of neighbouring occupants consideration must be given to potential implications in terms of operating hours, noise and disturbance and odours, particularly in view of the fact that there are residential properties located on the upper floors of the parade.
- 6.4.4 The proposed A5 use would not significantly increase the level of noise and disturbance from pedestrian movements and vehicles over and above the existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.
- 6.4.5 The proposed takeaway would not be open later than 23.00pm Monday to Saturdays and 22.00pm on Sundays and Bank Holidays. 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 within a fully functional commercial parade.
- 6.4.6 A planning condition would be attached to any approval that mitigates odour and noise nuisance in order to safeguard the amenity of neighbouring occupants situated above the parade.

6.4.7 Subject to safeguarding conditions, it is considered the proposal would not harm the living conditions of neighbours in accordance Policy DC61.

## **6.5 Highway/Parking**

6.5.1 The application does not involve any changes to the existing highway or creation of car parking provisions. There is an existing lay-by that is situated to the front of the parade of shops, unrestricted on street car parking within the immediate vicinity and service area to the rear.

6.5.2 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. Highways raised no objections. The proposal is therefore considered acceptable in parking standards terms and highway safety in accordance with Policy DC33.

## **7. Refuse and recycling**

7.1 The agent confirmed that the refuse and recycling provisions will be stored in a secure environment externally and be collected by an external refuse company. The details of the refuse provision and collections procedure would be secured by way of condition.

## **8. Conclusion**

8.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the change of use and associated works would provide a service which is compatible with a town centre and not harm the harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.

8.2 The proposed development would comply with the intensions of the NPPF, London Plan Policies and Havering Core Strategy and Development Control Policies.

## **IMPLICATIONS AND RISKS**

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

None

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



None

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application forms, plans and supporting statements received 17 October 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

5 December 2013

**Subject Heading:**

**P1133.13 108 Petersfield Avenue,  
Romford**

**Change of Use of the existing vacant  
retail (A1) unit to a hot food takeaway  
(A5) with new rear external extract duct  
(Application Received 17 October  
2013).**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

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

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

**SUMMARY**

The application is brought to committee as the proposal relates to a council owned site. The application is for the change of use of the vacant A1 (Retail) premises to

A5 (Takeaway) and involves the installation of an extract duct to the rear of the property. The proposal is considered acceptable in all material respects, including principle, design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. Subject to safeguarding conditions, it is recommended that planning permission is granted.

## RECOMMENDATIONS

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

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

Reason:-

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and documents approved by the local planning authority:

3042\_PL01, 3042\_PL02, 3042\_PL03, 3042\_PL04, 3042\_PL04a,  
3042\_PL05, 3042\_PL06

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

3. Hours of operation - The premises shall not be used for the purposes hereby permitted other than between the hours of 11.00am to 23.00pm on Monday to Friday, 11.00am to 23.00pm hours on Saturdays and 11.00am to 22.00pm on Bank Holidays and Sundays 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. Refuse and recycling - Before the uses commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall include details of the method and location of refuse storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal shall thereafter be permanently

maintained. The scheme shall be implemented on site, in accordance with the approved details, prior to the commencement of the use hereby approved and retained permanently thereafter.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61

5. Environment Condition - 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 designed and certified by a competent engineer and after installation a certificate to be lodged with the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated to its design specifications during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

6. Noise and Vibration 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

7. Details of the Flue – Details of the colour and finish of the flue hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work.

Reason:-

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

## **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 comprises of the ground floor and basement of 108 Petersfield Avenue which is a vacant A1 Retail unit.
- 1.2 The property is a mid-terrace within a row of 21 units. These properties combined are designated as a Major Local Centre. The upper floors of the parade consist of residential maisonettes.
- 1.3 To the front of the site is a layby that provides car parking spaces for the parade. There is a service area to the rear of the parade.
- 1.4 To the southwest of the site are residential properties.
- 1.5 To the north east of the site is a day centre and St. Pauls Church.

### 2. Description of Proposal

- 2.1 The application seeks planning permission for the change of use of 108 Petersfield Avenue from an A1 (Retail unit) to an A5 (Takeaway) and the installation of an associated duct.
- 2.2 The proposed hours of use are as follows:

Monday to Friday	11.00am to 23.00pm
Saturdays	11.00am to 23.00pm
Bank Holidays and Sundays	11.00am to 22.00pm
- 2.3 The application is accompanied by indicative ground floor plans which indicate the provision of a waiting area, service bar and two kitchen areas. The basement area would provide a staff area, kitchen and WC.

2.4 In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flank rear wall of the building.

### **3. Relevant History**

3.1 104 Petersfield Avenue, Romford

P1136.13 Change of Use of the existing vacant retail (A1) unit to a hot food takeaway (A5) with new rear external extract duct (Application Received 17 October 2013).

Application pending

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

4.1 The application was publicised by the direct notification of adjoining properties on the 25<sup>th</sup> November 2013.

4.2 No letters of objection have been received to date. Any letters received will be verbally reported to members on the evening of the committee.

### **5. Relevant Policies**

5.1 LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC36 - Servicing

5.2 LONDON PLAN

2.15 - Town Centres

4.7 - Retail and town centre development

4.8 - Supporting a successful and diverse retail sector

6.13 - Parking

6.9 – Cycling

5.3 NATIONAL POLICY GUIDENCE

NPPF - National Planning Policy Framework

### **6.1 Staff Comments**

6.1.1 The issues arising from this application are the principle of development, the impact of its design, scale and massing on the character of the area, impact on neighbours living conditions and parking and highway matters.

### **6.2 Principle of Development**

6.2.1 The application site is located within the Minor Local Centre. Policy D16 states that planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- the use provides a service appropriate to a shopping area
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local Centres, a 33% figure will apply.

6.2.2 The application is for an A5 "Hot Food Takeaway" at a vacant A1 unit.

6.2.3 The purpose of the retail frontage is to provide retail and service uses so that they do not have to be located in more sensitive area such as within residential areas. In this instance, the proposed use would remain within the "A-Use" class, provide a service, create a footfall and generally contribute to the vitality and viability of the centre. The proposed change of use would not result in 3 or more A2-A5 adjoining uses. The change of use of the application site would result in approximately 19% of the length of the existing frontage being non-retail frontage. The change of use of no. 104 and no. 108 combined would result in approx. 24% of the length of the frontage being non-retail frontage.

6.2.4 Details have been submitted in relation to the layout of the unit which show that the customer counter and waiting area would be located to the front of the premises and the kitchen would be located to the rear. In addition, the Takeaway would be open during the normal shopping hours of this local parade.

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

6.2.7 Subject to the proposal safeguarding the character and appearance of the area, neighbours amenity and it not being prejudicial to highway safety and parking standards, the proposed change of use is therefore considered acceptable in principle.

### **6.3 Design / Impact on Streetscene**

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



- 6.3.2 The proposed application does not involve any external works to the existing shop front or fascia.
- 6.3.2 The proposed extraction flue would not be visible from Petersfield Avenue or harmful to the street scene, as it would be located to the rear the building. In addition, the width and depth of the extraction flue are relatively modest in size. Details of the colour and external finish of the extraction flue will be secured by condition if minded to grant planning permission. Overall, it is considered that the extraction flue would be within the realms of acceptability.
- 6.3.3 It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area. The proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF.

#### **6.4 Impact on Amenity**

- 6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.4.2 The proposed flue by reason of its location, limited scale and separation distance from habitable rooms of first floor residential properties would not result in any loss of outlook and sunlight and daylight to warrant a reason for refusal. The change of use by reason of its nature and its proposed non-domestic use would not raise any overlooking or loss of privacy concerns.
- 6.4.3 With regard to the impact upon the amenity of neighbouring occupants consideration must be given to potential implications in terms of operating hours, noise and disturbance and odours, particularly in view of the fact that there are residential properties located on the upper floors of the parade.
- 6.4.4 The proposed A5 use would not significantly increase the level of noise and disturbance from pedestrian movements and vehicles over and above the existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.
- 6.4.5 The proposed takeaway would not be open later than 23.00pm Monday to Saturdays and 22.00pm on Sundays and Bank Holidays. 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 within a fully functional commercial parade.
- 6.4.6 A planning condition would be attached to any approval that mitigates odour and noise nuisance in order to safeguard the amenity of neighbouring occupants situated above the parade.

6.4.7 Subject to safeguarding conditions, it is considered the proposal would not harm the living conditions of neighbours in accordance Policy DC61.

## **6.5 Highway/Parking**

6.5.1 The application does not involve any changes to the existing highway or creation of car parking provisions. There is an existing lay-by that is situated to the front of the parade of shops, unrestricted on street car parking within the immediate vicinity and a car park to the rear.

6.5.2 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. Highways raised no objections. The proposal is therefore considered acceptable in parking standards terms and highway safety in accordance with Policy DC33.

## **7. Refuse and recycling**

7.1 The agent confirmed that the refuse and recycling provisions will be stored in a secure environment externally and be collected by an external refuse company. The details of the refuse provision and collections procedure would be secured by way of condition.

## **8. Conclusion**

8.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the change of use and associated works would provide a service which is compatible with a town centre and not harm the harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.

8.2 The proposed development would comply with the intensions of the NPPF, London Plan Policies and Havering Core Strategy and Development Control Policies.

## **IMPLICATIONS AND RISKS**

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

None

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

None

**Human Resources implications and risks:**

None

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application forms, plans and supporting statements received 17 October 2013.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

19 December 2013

**Subject Heading:**

P1314.13 – Beam Valley Country Park, 170m North of 301 Western Avenue, Dagenham – A new bridge over the River Beam for walking and cycling (received 12/11/13)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This application relates to Council owned land. The application proposes a new bridge over the River Beam for walking and cycling. Having considered the principle of development, the impact on the character of the area, and other considerations, officers are recommending approval subject to conditions.

## RECOMMENDATIONS

That planning permission be granted subject to the conditions set out below and the London Borough of Barking and Dagenham reaching a resolution to grant planning permission for the part of the development within their Borough.

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

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

3. Archaeological investigation: 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 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 PPS 5/NPPF.

4. Risk and Contamination Assessment, Part 1: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

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

- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

5. Risk and Contamination Assessment, Part 2: a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy

detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

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

## **INFORMATIVES**

1. Fee Informative:

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

2. 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. 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.

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



- 1.1 The application site spans the boundary of Barking and Dagenham and Havering and is located approximately 170m north of No. 301 Western Avenue, Dagenham and approximately 380m northwest of The Manor House, 411 Rainham Road, Rainham. The site is located in the Green Belt and the Floodplain, and is designated as a Metropolitan level Site of Nature Conservation Importance.

## **2. Description of Proposal**

- 2.1 This proposed development is the construction of a new bridge across the river Beam between Bretons outdoor Recreation Centre and Eastbrookend Country Park. The sites on both side of the river are in public parkland. The proposed location of the bridge and access paths is shown on drawing T6-L-BB-02.
- 2.2 An access path will be created on each side of the river to connect the bridge to existing paths within the park on both sides. The bridge and approach paths will rise in level from west to east to accommodate the topography of the location. The bridge design will provide an accessible and comfortable gradient for the user and a durable structure subject to constraints posed by the ground conditions and flood risk status of the site.
- 2.3. The proposed bridge would have a main span of 18m, a width of 3m and 1.4m high parapet rails.

## **3. History**

- 3.1 No recent, relevant planning history.

## **4. Consultation/Representations**

- 4.1 Notification letters were sent to 26 neighbouring properties; a site notice was placed in the vicinity of the site; and an advertisement was placed in the local press. No letters of representation has been received.
- 4.2 English Heritage has written advising that the site is likely to contain remains of archaeological significance. A condition should be attached to any grant of planning permission to ensure that any archaeological evidence is the subject of investigation.
- 4.3 The Highways Authority has raised no objection to the development.
- 4.4 Environmental Health has raised no objection to the development subject to a contamination condition.

## **5. Relevant Policies**

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

DC18 - Protection of Public Open Space, Recreation, Sports and Leisure Facilities  
DC45 - Appropriate Development in the Green Belt  
DC58 - Biodiversity and Geodiversity  
DC61 - Urban Design

## 5.2 National Planning Guidance

National Planning Policy Framework (“the NPPF”)

## 6. Staff Comments

6.1 This application is put before Members as it proposes development on Council land. The main issues in this application are considered to be the principle of development, the impact upon the character of the area, and other considerations.

### 6.2 *Principle of Development*

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

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

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

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

6.2.2 The proposal is for a new bridge providing a river crossing to pedestrians and cyclists. The application therefore proposes building operations.

6.2.3 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given cases, which include:

“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...”

6.2.4 It is considered that the proposed bridge, which would provide a crossing to pedestrians and cyclists within a public park, would constitute an appropriate facility for outdoor recreation. Given the siting, scale, and design of the proposal, it is considered that the proposal would preserve the openness of the Green Belt, and would not conflict with the purposes of including land within it.

6.2.5 It is considered that the proposal would constitute appropriate development in the Green Belt, and that it would be acceptable in principle.

### 6.3 *Design Considerations.*

6.3.1 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.

6.3.2 The proposed bridge will sit lowdown within the location due to the higher level of the east bank compared to that of the west. The structure would therefore be relatively unobtrusive. The bridge parapet will sit approximately 1.75m below the height of the earth embankment which runs parallel to the watercourse on the east side. Consequently the skyline will not be affected and the bridge will not be visible from Bretons Outdoor Recreation Centre to the east of the site or be a significant visual feature of the park.

6.3.3 Given the nature of the proposal, including its siting, scale and design, it is considered that it would not result in any significant adverse impacts on the visual amenities of the Green Belt, or the character of the area generally. In terms of its visual impact, it is considered that the proposal would be in accordance with Policy DC61 of the LDF.

### 6.4. *Other Issues*

6.4.1 In terms of nature conservation considerations, the site is located within Metropolitan grade Site of Nature Conservation Importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. English Heritage has raised no objections to the proposal subject to an archaeological investigation. The Environment Agency has been consulted about the proposal but no comments have yet been received; Members will be updated at the Regulatory Services meeting. Subject to there being no objections from the Environment Agency, it is considered that the proposal would not be contrary to Policy DC58 of the LDF.

6.4.2 The site is located in the Floodplain and is therefore located on an area of land at higher risk of flooding. The guidance contained in the NPPF requires that proposals in areas at risk of flooding should be subject to the Sequential Test. The objective of the Sequential Test is to divert development to areas of land with the lowest possible risk of flooding. As the proposal is for a river crossing, it is considered that it cannot be relocated to an area at lower risk of flooding, and the proposal therefore passes the Sequential Test. The Environment Agency may make comments relating to flood risk and Members will be updated at the Regulatory Services meeting.

6.4.3 The site is designated as a public open space. Policy DC18 states that the Council will retain and enhance public open spaces. The proposal would enhance access to public open spaces both with Havering and Barking and Dagenham and is therefore considered to be in accordance with Policy DC18 of the LDF.

## **7. Conclusions**

7.1 Officers consider the proposal to be acceptable having had regard to Policies DC18, DC45, DC58, and DC61 of the LDF, and all other material considerations.

7.2 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.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None

### **Legal Implications and risks:**

None

### **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 12/11/2013.

# REGULATORY SERVICES COMMITTEE

19 December 2013

# REPORT

**Subject Heading:**

P1367.13 – Royal Jubilee Court, Main Road, Romford - Construction of a new 3.7m wide access road off Main Road (received 06/11/13)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This planning application relates to the construction of a new 3.7m wide access road off Main Road. The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable and recommend that planning permission be granted.

## 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 Act 1990.

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.

3. External Lighting: Before the development hereby permitted commences, a scheme for any proposed lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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

4. 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.

5. Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

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

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

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

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

## INFORMATIVES

1. Fee Informative:

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

2. 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. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991, The Road Traffic Regulation Act 1984



and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
8. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### **1. Site Description**

- 1.1 Royal Jubilee Court is a Council owned warden controlled care home on Main Road, Romford comprising of four buildings, Anne House, Charles House, Philip House and Elizabeth House with a shared car park served by an access road entering via an unmade private section off Gidea Close. The subject site is located in the Gidea Park Conservation Area

### **2. Description of Proposal**

- 2.1 The scope of the proposal involves the construction of a vehicle access to the existing car park from Main Road across an existing grassed area.
- 2.2 The natural ground gradient is towards the car park from Main Road, and therefore any additional surface water run-off will not flow onto the existing highway, but will be collected in gullies along the new access road and routed to the existing drainage system within the site.
- 2.3 The proposal also includes a new footway alongside the proposed road to replace the existing pedestrian access, and a hard strip behind the opposite new kerb line to protect the existing verge that is to be re-graded to suit, and an uncontrolled crossing point from the pedestrian access across the existing access road.
- 2.4 Unauthorised vehicles are intended to be prevented from entering via the existing entrance in Gidea Close by the introduction of removable lockable bollards however, pedestrian access will be retained

### **3. History**

3.1 No recent, relevant planning history.

#### 4. **Consultation/Representations**

4.1 Notification letters were sent to 90 neighbouring occupiers and no letters of representation were received.

4.2 The Highway Authority has raised no objection to the proposal however requested a condition for a visibility splay.

4.3 Environmental Health raised no objection to the proposal subject to a contamination condition.

#### 5. **Staff Comments:**

5.1 The issues arising from this application are the design/impact on street scene and the conservation area, impact upon amenity and highway/parking issues. Policies DC32, DC34, DC61 and DC68 of the Local Development Framework Core Strategy and Development Control Policies Development Plan and the Heritage SPD are relevant. Also relevant are London Plan Policies 6.10, 7.13, 7.4 and 7.8 as well as the NPPF.

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

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

5.2.2 The proposal would involve the creation of a new road linking Main Road with an existing access road to Royal Jubilee Court. The proposed road section would measure approximately 4m in width (excluding footway) and 5.5m in width (including the proposed passing bay) respectively. The proposed section would measure 34m in length. The proposed road would be situated adjacent to an existing pedestrian access.

5.2.3 Staff do not consider the addition of the roadway to result in an unacceptable impact on the surrounding area.

##### 5.3 *Heritage Implications*

5.3.1 Policy DC68 states that any new development should preserve or enhance the character of Conservation Areas. The proposal would make changes to the existing pedestrian access onto Main Road by increasing the width to include a new vehicular access off Main Road. Staff do not consider the

provision of the new access road to have a detrimental impact on the Gidea Park Conservation Area.

#### 5.4 *Impact on Amenity*

5.4.1 Although the proposal would result in additional vehicular traffic in close proximity to No. 49 Main Road, Staff do not consider the vehicle movement to result in an unacceptable impact on this neighbour's residential amenity as a separation distance of 10.7m would remain between the proposed access road and this neighbouring dwelling. Extensive vegetation is also present on the shared boundary with this neighbouring occupier which would further mitigate any potential impact in terms of noise and disturbance

#### 5.5 *Highway/Parking/Servicing*

5.5.1 Highways have raised no objection to the proposal. A condition to ensure a suitable visibility splay will be imposed on the development as requested by Highways. Staff consider the required changes to the Highway to be minimal as there is already a dropped kerb in place at the proposed entrance to the development, off Main Road.

### 6. **Conclusions**

6.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or the Gidea Park Conservation Area. Any potential impact on neighbouring amenity is considered acceptable. Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## IMPLICATIONS AND RISKS

#### **Financial Implications and risks:**

None

#### **Legal Implications and risks:**

None

#### **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 06/11/2013.

# REGULATORY SERVICES COMMITTEE

# REPORT

19 December 2013

**Subject Heading:**

P1081.13 – Chanlin, Broxhill Road,  
Havering-atte-Bower - retention for five  
years of mobile home for residential use  
(received 2 September 2013)

**Report Author and contact details:**

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Planning Manager (Projects and  
Regulation)  
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**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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This report concerns an application for the retention for an additional five years of a mobile home for residential use following the expiration of the previous 2010

permission. The permission expired on 26<sup>th</sup> November 2013. Staff consider that the proposal does not provide very special circumstances to over-ride the presumption against inappropriate development in the Metropolitan Green Belt and would therefore be contrary to green belt policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and refusal is therefore recommended.

Councillor Sandra Binion has called in the application to hear the very special circumstances.

## **RECOMMENDATIONS**

It is recommended that planning permission be refused for the following reason:

1. The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in the NPPF (National Planning Policy Framework) states that in order to achieve the purposes of the Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in the NPPF.

## **REPORT DETAIL**

### **1 Background**

- 1.1 The previous permission for the retention for 3 years of mobile home for residential use under application number P0008.10 was approved at Regulatory Services Committee on 18<sup>th</sup> November 2010 following a deferral from the March 2010 committee. Staff recommended refusal, however members decided to approve the proposal based on the very special circumstances put forward by the applicants at that time.
- 1.2 The very special circumstances provided in the 2010 permission are as follows;
  - The applicant has been made redundant, was made homeless and bought Chanlin out of their savings. They have no other savings to fall back on

- The applicant's daughter was being bullied at school; moving to the mobile home has resolved this issue
- Both children attend faith schools and need to be close to home/school/church
- A move could impact on the children's education as this a sensitive time and would result in both children having to change schools
- Youngest child has had behaviour problems
- Applicant's job has little job security due to recession
- The mobile home provides a fixed address which aids employment seeking; being homeless would have made job-hunting difficult
- The applicant's wife is a full-time carer for her mother and cannot therefore have paid employment, also the fresh air is good for her mother who lives in Dagenham
- Having to move from Havering-atte-Bower would mean a move away from existing ties with schools, job etc.
- It has been impossible to afford alternative accommodation
- Various documentation has been provided in support. These show that the girls both attend school in Dagenham and the applicant's mother-in-law also lives in Dagenham.

1.3 Prior to the last permission, the applicant had submitted a number of applications, the first being application P1522.07 for the siting of a mobile home for residential use (retrospective) which was refused in November 2007 and was dismissed in a subsequent appeal subsequent appeal in September 2008. The Planning Inspector concluded:

- "I therefore conclude that, even if the mobile home were considered to be a building, it would still be inappropriate development causing harm to the openness of the Green Belt"

In respect of the additional special circumstances information submitted at the appeal:

- "Overall, I consider however that these other considerations, either individually or cumulatively, do not clearly outweigh the harm that would be caused by reason of inappropriateness and to the openness of the Green Belt. As a result, there are no very special circumstances sufficient to justify the proposal."

1.4 Another scheme for temporary use for an additional 3 years was refused in 2009 (planning reference number P0597.09). The applicant had the right to

appeal to the Planning Inspectorate at the time but did not do so. However, the applicant did appeal against the related Enforcement Notice in 2010.

- 1.5 Prior to the previous permission, the applicant's appeal against the Enforcement Notice which required the removal of the mobile home from the land and its reinstatement to open land, was dismissed in August 2010. The Planning Inspector upheld this Enforcement Notice on the basis that following dismissal of the appeal against refusal of the appellant's retrospective application. The Inspector took the view that; "From this, it is clear to me that the appellant should have been aware from the end of 2008 that there was a reasonable prospect that the Council would take enforcement action which would result in him having to find suitable alternative accommodation for himself and his family."

## **2. Site Description**

- 2.1 The application site is located on the eastern side of Broxhill Road. The application site consists of an area of mainly hardstanding to the front of the site with the mobile home located parallel to Broxhill Road and a garden to the rear. It is believed that home had stood there for 7 years. The site has an overall area of 0.16 hectares.
- 2.2 The application site and surrounding area are within the Metropolitan Green Belt. There are a number of residential properties fronting the road with some commercial uses also evident. Nonetheless, the surrounding area is mainly open fields, including gaps between the existing residential properties.
- 2.3 The house which was as a mobile home within the previous permission in 2010 has since had a wall erected beneath the house around all elevations effectively which may appear that it would be fixing it to the ground and existing buildings to the rear of the site has since been erected, it would now appear the site would be tantamount to permanent residential dwellinghouse rather than a mobile home.

## **3. Description of Proposal**

- 3.1 The proposal is for the renewal of a temporary retention for an additional 5 years of a mobile home for residential purposes and in this respect is 2 years longer than the previous temporary permission
- 3.2 A statement of very special circumstances has been submitted in support of the application. These circumstances are not dissimilar to the previous application and in summary, the statement raises the following issues:
  - The applicant has been made redundant, was made homeless and bought Chanlin out of their savings. Since the grant of permission, circumstances have meant that the applicant has not been able to build up sufficient savings.



- The applicant's mother in law requires 24 hour care and such move would impact on her health
- Having to move from Havering-atte- Bower would mean a disruption of children's education during a sensitive time
- It has been financially difficult to afford alternative accommodation

#### **4. History**

- 4.1 L/HAV/1079/82 - erection of single dwellinghouse and garage - outline - refused 7/9/82
- 4.2 P1522.07 – Siting of a mobile home for residential use (retrospective) – refused on 26-11-2007 for the following reason:

*“The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC46 of the Core Strategy and Development Control Submission Development Plan Document Policy.”;*

Subsequent appeal against the refusal of P1522.07 - dismissed by the Planning Inspectorate on 18<sup>th</sup> September 2008.

- 4.3 P0597.09 - temporary retention (for 3 years) of a mobile home for residential purposes - refused 14<sup>th</sup> October 2009.
- 4.4 Enforcement complaint 2009- As the 4-year rule period (after which no enforcement action could be taken) was to be exceeded shortly, an Enforcement Notice was issued requiring removal of the mobile home and reinstatement of the land.

- An appeal against the Enforcement Notice was dismissed by the Planning Inspectorate on 25<sup>th</sup> August 2010 with the Enforcement Notice upheld but varied to allow the applicant six months in which to comply. (Expired 2011)

P0008.10-Retention for 3 years of mobile home for residential use – Approved at Regulatory service committee on 18<sup>th</sup> November 2010.

Enforcement complaint 2013 – Alleged unauthorised outbuildings – Application invited, yet to be received.

#### **5. Consultation/Representations**

- 5.1 The application has been advertised on site and in the local press as a departure from Green Belt policies. Neighbour notification letters have also

been sent to 14 local addresses. 14 letters were received (Including 1 from the local MP), all in support of the applicant.

**6. Staff Comments:**

6.1 The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on local amenity, parking and highway issues. Relevant Policies are Policies CP1, CP14, DC45 and DC61 of the LDF Development Control Policies Development Plan Document. Also Policy 7.16 of the London Plan and the provisions of the NPPF are material considerations.

6.2 *Principle of development*

6.2.1 The proposed retention and occupation of the mobile home does not fall within the categories of development, as defined by the National Planning Policy Framework and Policy DC45 of the LDF, deemed to be appropriate. Very special circumstances are therefore required to justify what would be a departure from policy.

6.2.2 Such circumstances will only exist where the inappropriateness, together with any other harm (such as visual impact), are clearly outweighed by other considerations. The NPPF, as with previous Green Belt policy, states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.2.3 Prior to appraising those very special circumstances, an examination of the proposal's impact upon the character, appearance and openness of the Green Belt is needed, together with consideration of the impact in the street scene, impact upon residential amenity and the highway.

6.3 *Design, layout and impact on character and streetscene, Openness of the Green Belt*

6.3.1 The Planning Inspector for the previous application noted that "the appeal site is within a group of other residential properties and that from the road it does not stand out as an exception." Nonetheless he considered that the proposal "detracts from the Green Belt objectives" and that "harm would be caused...to the openness of the green belt"...

6.3.2 As with the previous application, staff still consider that the mobile home reduces the general openness of the area. Although there are residential

properties in the immediate area, there are gaps between buildings and open areas of land giving a general rural character to the area. The residential use of the site and placing of mobile home/dwelling detracts from this character and the openness of this part of the Green Belt.

6.3.3 Since the mobile home has been placed on the land, the site has taken on an increasingly residential character with the addition of outbuildings, hard surfaces, patio and formal planting. All of these residential paraphernalia that would tantamount to a dwelling house would further reduce the openness of the Green Belt.

6.3.4 Staff are also aware that other surrounding residential development either pre-dates planning, i.e., built before 1948 (including a 19<sup>th</sup> Century Listed Building), or was built in relation to agricultural holdings (with an agricultural-tie condition) or other appropriate uses in the green belt, or results from conversions of existing vacant buildings into residential use. However, Staff do not consider that the presence of other residential development near the application site sets a precedent for new, purely residential development in the green belt, even on a temporary basis, which is contrary to national planning guidance.

#### 6.4 *Impact on Residential Amenity*

6.4.1 There are several residential properties on Broxhill road, staff consider that there is not a significant impact on the amenities of neighbouring properties due to the size and location of the home and the distances from neighbours.

#### 6.5 *Highways/Parking*

6.5.1 It is considered that the proposal would not give rise to any material parking or highway issues considering the provisions for off-street parking on site.

### 7. *The Case for Very Special Circumstances*

The applicant stated four main reasons in why they have special circumstances;

#### 7.1 *Financial circumstances*

7.1.1 As with the previous application, the applicants indicate that they were unable to keep up with mortgage repayments for their home in Dagenham and they opted to sell the property and to find alternative accommodation and therefore bought the mobile home as a viable option as they could not afford to rent. The applicants also indicated within their last application, that they thought they were looking to save enough money for an alternative site or property. However, they now indicate that after 3 years paying for medical care for the elderly relative and their daughter's university fees, they are still unable to save a sufficient amount to relocate, and obtaining a typical mortgage would typically require a 25% deposit.

7.1.2 Staff comments: No detailed financial information has been submitted. It does appear that the applicant has invested financially into the current property since placing the mobile home on the land by providing outbuildings, landscaping and other improvements, such that savings may have been further used up.

7.1.3 It is not disputed that the applicant's financial circumstances are difficult, but these circumstances are shared by large numbers of people who are unemployed or in low-paid jobs and have care responsibilities. Staff consider that in the absence of (and even in the presence of) financial details, that this of itself, would not amount to very special circumstances to over-ride the identified harm to the green belt.

## 7.2 *Full time carer status*

7.2.1 The applicants application is in part to ensure that their mother in law is given 24 hour care, mainly from the applicant's wife as the full term carer, and since the previous permission, her health has deteriorated. Also they are unable due in part to his wife's mother's need for constant care, be able to move to other properties as rented home cannot be modified easily to cater for wheelchair users.

7.2.2 Staff comments: As mentioned in the previous application, staff consider that care responsibilities for elderly relatives or children can affect household finances and this is not an unusual situation. No evidence has been submitted that the applicant is on the Council house waiting list or that he was homeless before purchasing Chanlin. The applicant is currently working and it is understood that the applicant still owns the freehold of Chanlin and that he has purchased the mobile home outright such that he has no outgoings in terms of a mortgage or rent.

7.2.3 The Council recognise that the health circumstances of the applicant or anyone living at the site could be a material circumstance and can be taken into account. As mentioned by staff in the previous application, the person in need of care for medical reasons did not at the time of the 2007 application live at the application site. The applicant's mother in law moved to the application site after planning permission was refused and the appeal was dismissed in 2008. Therefore, even though the applicant's mother in law now appears to live full time at family's mobile home on the application site, staff do not consider that the health of the applicant's mother-in-law is a very special circumstance for the mobile home to remain at the application site for a further 5 years (In addition to the previously granted 3 years). If it was necessary, it would appear reasonable that the family could have moved into the mother-in-law's house who still has an address in Dagenham to provide the necessary 24-hour care or whether her house could now be sold to help solve the identified financial difficulties.

## 7.3. *Schooling*

- 7.3.1 The applicant states that a potential move to another accommodation elsewhere would appear detrimental to the children's education. Their eldest daughter goes to the University of Colchester and the other child recently started Secondary School.
- 7.3.2 Staff comments: Clearly it is in any child's interest to have the best environment in which to grow up and the application site provides a quiet, rural environment. Staff consider that all parents wish to provide the best for their children, disruption from home moves which can disrupt education are not situations which any parent would want for their children and it is generally recognised that removing children from school during a school year is not ideal.
- 7.3.3 However, moving house is quite common for families and disruption for children is not uncommon, the concerns raised could be associated with any family in the Borough, Staff do not consider that they amount to very special circumstances to allow inappropriate development in the green belt. In addition the applicant has been aware since 2008 that a move was needed and could time home moves to take account of exams and times which would have caused least upset to the children, such as during the summer holidays/half-term times.
- 7.3.4 The eldest daughter goes to the University of Colchester, it is not clear whether the daughter stays at the mobile home or is living near campus, but relocating to another accommodation is considered to not materially affect their child's studies from matters such as commuting distance.

#### 7.4 *Local support*

- 7.4.1 The applicant states that they provided letters of support by neighbours and wish to continue their support and that they have no letters of objection from the previous application, and it should be noted that under provisions of the Localism Agenda, and that the demonstrated local support should be taken into consideration as a very special circumstance.
- 7.4.2 Staff comment: Support from neighbouring occupiers does not form a material or special circumstance to allow development in the green belt contrary to policy.

### **8. Human Rights**

Staff are mindful of the Protocols under the Human Rights Act which require that a person has a right to a home and to privacy and that no one should unnecessarily interfere with these rights. In respect of this, the Planning System can interfere with a private individual's rights if there is a public right which would be affected. The Public have a right to have a Green Belt where development is restricted so that the public can benefit from its provision. It is considered that the public benefits of the provision and protection of the Green Belt outweighs the individual's' right to provide

themselves with a home which is clearly indicated in national and local policy as being inappropriate development. The Policy does not preclude an individual from having a home outside the Green Belt, elsewhere in the Borough.

## **9. Conclusions**

- 9.1 The main issues in this case are the principle of the development and its impact upon the character, appearance and openness of the Green Belt at this point. The proposed retention of the mobile home constitutes inappropriate development and Staff therefore consider, in line with DC45 that the proposal is prejudicial to the openness of the Green Belt. Staff further consider that the circumstances put forward by the applicant would not amount to the very special circumstances needed to justify an exception to Green Belt policy and that the proposal is, even for a temporary period, contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document and the NPPF.

### **IMPLICATIONS AND RISKS**

#### **Financial Implications and risks:**

None

#### **Legal Implications and risks:**

None

#### **Human Resource Implications:**

None

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

Article 8 protects the private life of individuals against arbitrary interference by public authorities. Article 8 is a qualified right, so in certain circumstances public authorities can interfere with the private and family life of an individual.

These circumstances are set out in Article 8(2). Such interference must be proportionate, in accordance with law and necessary to protect the rights and freedoms of others. In the circumstances the protection of land within the Green Belt is considered to outweigh the qualified rights under Article 8 and it is considered to be proportionate. An application to retain the dwelling was dismissed by the secretary of state at appeal.

Section 149 of the Equalities Act 2010(EA) consists of a general equality duty, for the public sector and specifies duties which came into law on 10 September 2011, in England and 6 April, in Wales and consolidates and incorporates “positive

equalities duties” found in Section 71 of the Race Relations Act 1976. (RRA) The general duty of Section 149(EA) came into force on 5 April 2011.

Section 49 of the Disability Discrimination Act 1995 (DDA) and Section 76(A) of the Sexual Discrimination Act 1975(SDA) so that due regard must be had by the decision maker to specified equalities issues. The old duties under the RRA, DDA and SDA remain in force.

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

Having considered the above duty and the Human Rights Act 1998 the Protection of amenity in public law outweighs any individual rights.

## **BACKGROUND PAPERS**

1. Application form, drawings and supporting statement received on 2nd September 2013.

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# REGULATORY SERVICES COMMITTEE

# REPORT

19 December 2013

**Subject Heading:**

P1119.13 – 16 & 18 Prospect Road (and land rear of), Hornchurch – Demolition of No.s 16 & 18 Prospect Road and the erection of 9 detached dwellings and 2 replacement dwellings with new access road (outline) (received 26 September 2013)

**Report Author and contact details:**

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01708 432800

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

**SUMMARY**

**Call in:** The application has been called in to Committee by Councillor Ron Ower on the grounds of concerns on traffic and in-fill and its closeness to the Green Belt.

This report concerns an application for the demolition of No.s 16 and 18 Prospect Road and the erection of 9 new houses and 2 replacement bungalows with an access road with ancillary car and cycle parking. The application is in outline with Access, Appearance, Layout and Scale to be determined at this stage with Landscaping as a Reserved Matter to be dealt with at a later stage. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

## RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,230.9m<sup>2</sup> which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

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

- A financial contribution of £6,000 x 9 = £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

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

1. Time Limit for details: Application/s for approval of the reserved matters – Landscaping - shall be submitted to the Local Planning Authority within three years from the date of this permission.

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

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

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

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

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

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

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

5. Refuse/Recycling Storage: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the local planning authority.

**Reason:** In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

6. Cycle Storage: Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36

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

7. 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.

8. Screen Fencing: Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and at the boundaries of the new properties with the existing properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

9. 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.

10. 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 LDF Development Control Policies Development Plan Document Policy DC61.

11. Approval of Details/ Hard and Soft Landscaping: The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

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

12. Contaminated Land: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model):

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

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

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

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

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

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

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

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

13. Secured by Design: Prior to the commencement of the development hereby 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 Metropolitan Police Designing Out Crime Officers, 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.

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

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

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

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

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

**Reason:** In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which

exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

16. Removal of permitted development allowances: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place to No.16 and No. 18 Prospect Road and to House Type A immediately adjoining the rear of No.16 Prospect Road (as shown on approved plan drawing reference No.1695 LO1) under Classes A, B, C, D, E, F, G or H unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

17. Access road materials: Before any of the development hereby permitted is commenced, samples of all finishing materials to be used in the construction of the proposed access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

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

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

19. Obscure/fixed glazing: The proposed windows at first floor in the flank elevations shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

20. Ground levels: Prior to commencement the developer shall submit details of proposed ground levels and finished floor levels to the Local Planning Authority;

once approved in writing, the details shall be implemented as part of the approved scheme.

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

21. 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 programmed set out in the Written Scheme of Investigation approved under Part ((A), and the provision made for analysis, publication and dissemination of the result and archive deposition has been secured.

**Reason:** Heritage assets of archaeological interest may survive in the site. The Local Planning Authority wishes to secure the provision of archaeological investigation 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.

22. Biodiversity/Protected Species: The applicant shall submit with the application for reserved matters – Landscaping - further survey information as indicated in the Summary of their submitted report “Update Extended Phase 1 Habitat Survey” dated 2/9/13. Any mitigation measures identified shall be put in place prior to the commencement of the development.

**Reason:** To ensure that appropriate mitigation measures are included in respect of flora and fauna

23. Road Noise Assessment: Prior to the commencement of any development, an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road 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 number 12 relation to community noise and PS8233:1999. 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 and shall be implemented prior to occupation.

**Reason:** To protect future residents against the impact of road noise in accordance with the NPPF and the Noise Policy Statement for England (NPSE).



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

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

## INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

2. **Highway Informatives:**

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

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

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

3. **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.

4. **Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010:**

Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para. 186-187 of NPPF 2012.

5. **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.

**Mayoral CIL**

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of (1,410.4sq.m – 179.5sq.m) 1,230.9m<sup>2</sup> which equates to a Mayoral CIL payment of £24,618 (subject to indexation). This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here is based on a gross internal floor area at £20 per square metre.

**REPORT DETAIL**

**1. Site Description**

- 1.1 The application site comprises the dwellings at No. 16 and No.18 Prospect Road, their rear gardens and land to the rear of Prospect Road formerly comprising "The Bowery" and "Sunset". The site, apart from the rectangle containing No.s 16 and 18 Prospect Road is loosely triangular in shape with its long side fronting onto Southend Arterial Road (A127) – a length of approximately 150m. It has a depth of approximately 30m. Ground levels fall slightly from the highway of Prospect Road towards the south/south-east. Just beyond the site boundary to the A127 there is a sharp drop in levels covered by some tree/shrub planting. The application site has an area of 0.43 hectares.
- 1.2 There are three vehicular accesses onto the application site: those to No.s 16 and 18 are to garages to the rear of the residential properties and the other one provides access directly from Prospect Road between No.s 32 and 43 to the rear area. This third access and a portion of the land currently available do not

from part of the current planning application, nonetheless this is the existing vehicular access to the former The Bowery and Sunset properties.

- 1.3 The surrounding area is residential in character with mainly single-storey properties to this southern side of Prospect Road with 2-storey properties to the north and east along Prospect Road. To the rear part of the site, the boundary adjoins an area of Metropolitan Green Belt, of which this part of an open, grassed, playing field.

## **2. Description of Proposal**

- 2.1 The application follows earlier refusal and a dismissal at appeal and is to demolish No.s 16 and 18 Prospect Road and replace them with narrower, one-storey properties to enable an access drive through to the rear land for the erection of 9, 2-storey properties.
- 2.2 The site would be laid out with the replacement bungalows fronting onto Prospect Road frontage and the new houses located to the south/south-west of, and fronting onto, the new 5.2m wide access road which would extend from Prospect Road to the south/south-east for a distance of approximately 110m. The access road is a combined carriageway and footpath.
- 2.3 The two replacement bungalows would, as currently, be attached to the remaining part of their respective semi-detached pairs, i.e., No.s 14 and 20 Prospect Road. They would be narrower (at 4.2m wide) and deeper (14.85m deep) than the existing semi-detached bungalows, nonetheless they would have the same a matching roof form (the highest ridge height would remain at 6.1m above ground level), eaves levels and materials as the remaining semi-detached properties. Two parking spaces would be provided for each property one to the front garden area and one at the end of each rear garden area.
- 2.4 Each of the 9 new houses would be detached with its own rear amenity area and parking provision for 2 vehicles, either in an integral garage or on hardstanding to the front of the property. There would be 4-bedroom properties of two types A and B; the main difference being that A would be provided with an integral garage and B with an attached garage. All the properties would have a similar appearance within a limited external materials/ colour palette.
- 2.5 There would be 3, Type A houses. They would be a maximum of 7.7m wide, 13.1m deep and have hip, pitched roves with a ridge height of 8m above ground level.
- 2.6 There would be 6, Type B houses. They would each be a maximum 10.4m wide (including the attached garage), 10.6m deep and have hip, pitched roves with a ridge height of 8m above ground level.
- 2.7 A Noise Exposure Assessment has been submitted together with a Phase 1 Habitat Survey. The former concludes that in relation to noise from road traffic on the adjoining A127 Southend Arterial Road, mitigation measures including glazing and trickle vents are recommended to achieve good internal noise

levels. The latter concludes that there is potential for stag beetles, bats, common species of reptiles and badgers at the site and that mitigation measures should be undertaken to minimise impact, a repeat check for evidence of badgers and a further check of buildings to be removed and a tree climb for evidence of bats should be conducted prior to the reserved matters application being submitted.

### 3. **History**

3.1 P1829.07 – Proposed development to provide 16 dwellings. Refused 7/12/07.

P1627.09 - Outline application for demolition of No.18 Prospect Road and the erection of 14 dwellings with associated access and parking. Refused 18/6/10. Dismissed on appeal 23/12/10.

P0087.11 – Outline application for demolition of No.s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking. Refused 09/05/11. Dismissed on appeal 03/11/11.

The reasons for refusal of the 2011 scheme are as follows:

“1. The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road resulting in the remainder of the property appearing as a discordant and incongruous feature in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. The application makes no provision to secure the provision of affordable housing within the development to the detriment of housing opportunities and social inclusion, contrary to the provisions of Policies DC6 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policy 3A.9 of the London Plan.

3. The proposal fails to make adequate provision for the resultant additional school places required and as such fails to make a contribution towards identified educational needs within the Borough to the detriment of social inclusion contrary to Policy DC29 of the LDF Core Strategy and Development Control Policies Development Plan Document and Interim Planning Guidance for Educational Needs Generated by New Development.”

### 4. **Consultation/Representations**

4.1 57 neighbouring occupiers were notified of the proposal. There were 20 replies: one making a comment and 19 objecting to the proposal on the following grounds:

- overdevelopment
- the proposed new frontage dwellings would be an eyesore and out of character in the street scene
- unacceptable increase in traffic leading to danger for existing occupiers
- overlooking/loss of privacy

- overshadowing/loss of light
- the houses would be overbearing
- insufficient parking and future insufficient parking as children grow up
- increase in parking on Prospect Road, particularly when the footballers are also there at weekends
- the access road would be too narrow for emergency vehicles, particularly if there is parking along it
- loss of light due to the proximity and 2-storey height of the new houses
- no pedestrian footpaths to the access driveway
- Party Wall Acts would need to be entered into and there would be noise and disturbance during the construction period which would cause adjoining elderly people to have unnecessary stress and emotional upset, contrary to their Human Rights
- part of the site has been excluded from the current application and there are concerns over how the applicant would use this land
- mostly older, retired people live here and it is out of character for the proposal to include family-sized homes with their additional noise, activity levels and pollution
- change to the landscape of the road
- loss of property values
- loss of view beyond property boundaries
- loss of preserved Oak trees
- loss of wildlife
- loss of outlook to the remaining semi-detached pairs to Prospect Road
- there is already a development of 6 flats very close
- the new access road would be directly opposite an existing property such that headlights will shine into a front room
- there are insufficient schools, Dr.s etc and this would make things worse
- proposed trees to replace the existing would not compensate adequately
- Prospect Road is itself too narrow to support this development
- Boundary treatments may mean no one will take responsibility for them

**Staff comment:** Central Government have indicated that noise and disturbance during the construction period is not a reason to refuse planning permission.

- 4.2 The Emerson Park and Ardleigh Green Residents' Association have written objecting to the scheme on the grounds that the gap formed would not be wide enough for an access road and two replacement bungalows, that the proposed replacement bungalows would be unduly long and narrow and not be in character in the streetscene which has an existing regular balance and rhythm, that the ridge/eaves for the replacement bungalows would not match that of the retained semi-detached pairs, that the appeal inspector agreed that the proposed relationship between the bungalows/access was unsatisfactory due to disturbance to the bungalow occupiers, insufficient fenestration to the new bungalows leading to the need for artificial lighting indoors, the new crossovers would create a highway hazard due to the proximity to the new road junction, density would be excessive, gardens would be too small to compensate for the loss of woodland trees, that on-street parking on the access drive would obstruct service/visitor vehicles and that the new properties would be unduly dominant and visually intrusive.

- 4.3 The Fire Brigade/LFEPA indicate that they are satisfied by the proposals in respect of access but that 1 private fire hydrant will need to be installed.
- 4.4 Thames Water has written to remind the developer that it is their responsibility to apply for the necessary prior approval and discharge permits needed.
- 4.5 English Heritage: Greater London Archaeology Advisory Service (GLAAS) have written confirming that the application site lies in an Archaeological Priority Area and has asked for a condition and informative to be attached to any grant of planning permission.
- 4.6 Transport for London have written to remind the developer that they should not block the A127 during construction and any pruning or removal of trees on the A127 would require their prior approval. Providing 2 parking spaces and two cycle spaces are provided for each property they have no objections to the proposal. Disabled parking spaces should be provided within the scheme as well as, if possible, electric vehicle charging points.
- 4.7 The Metropolitan Police Designing Out Crime Officer has written indicating that he had pre-applications with the applicant and that the application shows how crime prevention measures have been considered in the design of the proposal. He requests that conditions are attached to any grant of planning permission in relation to Secured by Design (together with an informative), boundary treatment, external lighting and cycle storage.

## 5. **Staff Comments:**

### 5.1 *Planning Issues and Relevant Policies*

- 5.1.1 Planning permission was refused for 11 dwellings only on the grounds of the appearance of the proposal in the streetscene and as there was no mechanism for the securing of either affordable housing or educational places as a result of the scheme being refused. The Planning Inspector in dismissing this last scheme (P0087.11) did so only in respect of the impact of the proposal on visual amenity in the streetscene to Prospect Road and similarly as the mechanism for securing affordable housing and educational places could not be implemented as a result of dismissal. The scheme is for 11 units, nonetheless two are replacements of the existing properties and there would be a net addition of 9 units. Therefore there is no affordable housing requirement (although see relevant section below). Also educational places are now secured as part of the Planning Obligations Payment through a legal agreement.
- 5.1.2 The Planning Inspector in dismissing the 2011 scheme considered that the site was acceptable in principle for proposed housing development. Nonetheless as this is a different scheme, issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. These are addressed in turn below.

5.1.3 Policies CP1, CP2, CP17, DC2, DC3, DC33, DC34, DC35, DC36, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63 and DC72 of the LDF Core Strategy and Development Control Policies DPD. The SPD on Residential Extensions and Alterations (as relevant), SPD on Residential Design, SPD on Sustainable Design and Construction and SPD on Planning Obligations. London Plan Policies 2.15, 3.3, 3.5, 3.8, 3.9, 4.2, 4.7, 6.9, 6.13, 7.3, 7.4 and 7.6, as well as the National Planning Policy Framework (NPPF) are applicable.

## 5.2 *Principle of development*

5.2.1 The site lies in the existing urban area. This scheme would involve the properties at No.s 16 and 18 Prospect Road and the former residential properties at The Bowery and Sunset and their garden/amenity areas. Although rear gardens are not considered to be previously developed land or "brownfield land", the National Planning Policy Framework (NPPF) does not preclude all development in the urban area, as material circumstances will be relevant. In this case the two frontage properties have an existing frontage onto the public highway at Prospect Road and the two former properties to the rear do represent previously developed land. Staff consider that with the provision of a full carriageway to the new cul-de-sac that the proposal would not result in tandem development or "back-land" development as such.

5.2.2 Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states in order to provide land for new residential development that "...outside town centres and the Green Belt, prioritising all non-designated land for housing". The application site is on land which is not designated land in the LDF, such that its use for housing would be acceptable.

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

## 5.3 *Density/Site Layout*

5.3.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.43 Hectares and the proposal is for 11 dwellings (including the replacement properties). The proposed density is therefore 25.6 units per hectare which falls below the guidance range. However, the provision of the access road reduces the area available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout. The main consideration is whether the scheme is of a high standard of design and layout in accordance with Policies DC2 and DC61.

5.3.2 The London Plan indicates at Policy 3.5 (and Table 3.3) that for 4-bed houses for 6 people should be a minimum of 107 sq.m (gross internal area: gia). The proposed 4-bed houses would have a gross internal floor area of 146 sq.m (type

A) and 145 Sq.m (type B) which would be in excess of the minimum identified. A 1-bed unit for 2 people should be a minimum of 50 sq.m. All units would be in excess of the minimum internal space standards.

- 5.3.3 In respect of the site layout, the new driveway access would extend from the existing southern edge of Prospect Road and extend southwards between the replacement bungalows and then south-east parallel to the rear boundaries of No.s 20, 22 and 24 Prospect Road. The proposed detached houses would be located to the south/south-western side of the proposed driveway and it is considered that this would provide an acceptable arrangement with parking to the front/in garages and amenity space provided to the rear of each property.
- 5.3.4 Six of the properties would front directly onto the access drive with two fronting onto the spur section at the south-eastern corner. The south-eastern corner has a less formal arrangement which are often the case at the end of cul-de-sacs where arrangements reflect the shape of the land available. Staff consider that the properties are reasonably well spaced and that they do not appear cramped. In any event, this would be a “buyer beware” situation where prospective purchasers would be aware of the layout/outlook before making their decision.
- 5.3.5 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The proposed separate amenity spaces for each property at a minimum of 59 sq.m (No.18 Prospect Road) and maximum of 275 sq.m to the first Type A house to the rear of No.16 Prospect Road are considered by Staff to be appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space. Staff therefore consider that this would be acceptable.
- 5.3.5 Staff therefore consider that the proposed layout would be acceptable.

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

- 5.4.1 The surrounding area is of mainly single-storey bungalows from 2 – 28 Prospect Road, but is otherwise of 2-storey houses in Prospect Road and Owlets Hall. The proposal would result in two bungalows to Prospect Road and 9 houses to the rear.
- 5.4.2 The two replacement semi-detached single-storey bungalows would be narrower than the existing retained pairs, nonetheless the hipped roof form, ridge and eaves heights, windows/cill levels and materials directly fronting onto Prospect Road would match with the existing. Staff consider that this single-storey development to Prospect Road would integrate well with the retained halves of the semi-detached pairs at No.14 and 20 Prospect Road. In addition, as there is some variation in the properties on this side of Prospect Road and in Prospect Road generally, that it would not be so out of character as to result in a



significant loss of visual amenity in the streetscene to Prospect Road. This is a matter of judgement, nonetheless Staff consider that this part of the proposed development would overcome the Planning Inspector's concerns in relation to the previously dismissed scheme where the properties were to be truncated with a high pitched gable end to each property.

- 5.4.3 As the side elevations of the new No.s 16 and 18 would be visible in the Prospect Road streetscene as well as from the new driveway, consideration is given as to whether it is acceptable. Given that the proposal is for development which has a pitched roof form and its apparent extension beyond the rear of the retained semi-detached pairs also has the same single-storey height but a slightly lower ridge line than the main ridge, it is considered that the building would appear as a bungalow which has been extended to the rear. In respect of its impact on visual amenity in the streetscene, staff recognise that that this form of development is visible around the Borough where there is a street corner and buildings have been extended. Staff therefore consider that the proposed frontage replacement properties would have an acceptable impact on visual amenity in the streetscene at this corner location.
- 5.4.4 Apart from views along the new access road and glimpses of the houses between or possibly over the single-storey frontage development, Staff consider that the proposed houses would have no direct impact on visual amenity in the streetscene in Prospect Road.
- 5.4.5 The new houses would be most directly visible from the A127 and properties on the opposite side of the Southend Arterial Road, in part as they are in an elevated position in relation to the A127's carriageway. Nonetheless, there is a significant tree/shrub screen along this part of the A127. While the proposed properties would be visible, particularly during the winter months, Staff consider that they would be viewed as part of the existing built up area to this side of the road and would have an acceptable impact on visual amenity.
- 5.4.6 The two frontage properties would replace the existing No.16 and 18 Prospect Road. They would be single storey but unlike the properties they replace would be narrower and deeper. They would respectively 1.85m (No.16) and 5.1m (No.18) beyond the rear of nearest part of the adjoining properties, 14 and 20 Prospect Road. The SPD on Residential Extensions and Alterations normally allows 3m extensions to such properties. However, it should be noted that existing properties No.s 16 and 18 Prospect Road have been previously extended and the proposed additional length in relation to No.18 represents only a 1.85m extension beyond the existing furthest rear elevation of both No.18 and No.20. Staff therefore consider that the additional depth of less than 2m single-storey extended section would not a significant adverse impact in the rear garden environment.
- 5.4.7 The new houses would be located to the rear of existing properties. The nearest being the Type A house directly at the rear of No.s 12-16 Prospect Road. The two-storey property would be located approximately 1m from its own northern side. In relation to the frontage properties the nearest proposed side elevation would extend at least half-way across the end of each of the rear gardens to

No.s 12 and 14 Prospect Road. Staff consider that while the 2-storey development would be located close to the side boundary, it would be to the rear boundary of these properties and located a minimum of 18m from the nearest rear elevations of these two frontage properties. The maximum ridge height would be 8m above ground level such that it is considered that there would be an impact. However, Staff consider that properties in side roads across the Borough are located in similar 90 degree positions at the end of frontage property's rear gardens and that this relationship would not be out of character or result in the new property being overbearing or overly dominant in the rear garden environment. The other proposed properties are located further away from frontage properties and it is similarly considered that they would not have a significant adverse impact on the rear garden environment.

5.4.8 A new streetscene would be formed onto the driveway access with a row of houses to the southern/south-western side of the new access road. Six of the properties would front directly onto the access drive with two fronting onto the spur at the south-eastern corner. Staff consider that the south-eastern corner has a less formal arrangement, nonetheless it is considered that such arrangements are often provided at the end of cul-de-sacs where arrangements reflect the shape of the land available. In this case there are three houses which have a less conventional aspect in relation to the roadway access. Staff consider that the properties are reasonably well spaced and that they do not appear cramped or likely to adversely impact in the new rear garden environment to an unacceptable degree.

5.4.9 Staff therefore consider that the design and siting of the proposed dwellings would not appear materially obtrusive in the street scene, nor would they have an adverse impact on the rear garden environment. They would introduce an element of development behind the existing frontage development in Prospect Road, nonetheless this is previously developed land. Staff do not consider that the proposed development would be overbearing or intrusive.

## 5.5 *Impact on Amenity*

5.5.1 The nearest affected properties are No.s 14 and 18 Prospect Road and beyond them, those to the southern side of Prospect Road from No.s 2 to 28 (evens).

5.5.2 Staff consider that, while the new 2 storey properties would be visible to the occupiers of the existing frontage properties, at a minimum distance of 19m away there would not be any significant loss of light or privacy or overlooking between the new and existing properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.

5.5.3 Staff further consider that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development and each other.

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

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

5.6.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. 2 parking spaces are proposed to each of the 9 new houses and the replacement one-bedroom bungalows. This would be acceptable.

5.6.2 In respect of access, the proposed development would take access from Prospect Road. A Fire Tender and refuse vehicle swept path analysis has been submitted with the application showing that such vehicles can enter and exit the new road in forward gear. The Fire Brigade are satisfied with the proposed access. Highways have indicated that the proposed fully integrated driveway is acceptable.

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

#### 6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations, totalling £54,000.

6.2 The proposed density is below the range for the area which results in 9 additional units being just below the trigger point for affordable housing (10 or more units). Staff consider that if smaller units or semi-detached pairs were provided, that this would increase the density and number of units, nonetheless this is not the scheme for consideration. Staff consider that the proposed form of development and the size of the units are not unacceptable of themselves and that, as such, it would not be possible to add further similar-sized units without the development appearing cramped. Members may take a different view on this matter. The Planning Inspector considered that a development of 11 units (without the replacement of the two frontage properties) was generally acceptable to the rear of the frontage properties.

6.3 An area of land has been excluded from the application site. Staff consider that this could support either one or possibly 2 additional detached properties of the same scale to those proposed. If this site comes forward for development as a second phase, the number of additional properties would in total meet the trigger point for the provision of affordable housing and any application for this adjoining site would therefore be subject to an affordable housing contribution.

## 7. *Mayoral CIL*

- 7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,230.9m<sup>2</sup> which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

## 8. *Other Issues*

- 8.1 The Designing Out Crime Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage and boundary treatment.
- 8.2 A Noise Impact Assessment has been submitted with the planning application. A full assessment is requested to devise a suitable scheme for sound insulation against traffic noise through a suitably-worded condition.
- 8.3 Archaeological remains are likely at the application site due to its prominent position on the Black Park gravel terraces and as the site is also on Wingletye Hill where there is potential for pre-historic activity to survive, together with middle ages and Saxon possible settlement/land uses. A suitable condition would be attached to any grant of planning permission in relation to the need for further archaeological investigation.
- 8.4 The applicants submitted a Phase 1 Habitat Survey with the application. It is considered that there are further requirements in terms of further surveys with regard to trees (retention or removal) and mitigation measures for protected species together with other landscaping requirements which could usefully be submitted with the reserved matters application which relates solely to Landscaping. A suitable condition will be attached to any grant of outline planning permission requiring further information/details to be submitted in line with the summary contained in the Phase 1 Survey.
- 8.5 While the site lies adjacent to an area of Metropolitan Green Belt it forms part of the existing urban area and, in line with previous Planning Inspector's decisions, it is concluded that this development would not adversely impact on the openness of the adjoining Metropolitan Green Belt as it would be viewed in the context of the urban area.

## 9. **Conclusions**

- 9.1 The proposal is for 9 houses and two replacement bungalows. Staff consider that the proposal would be acceptable in principle and that the details of the scheme are acceptable such that the scheme would be in accordance with Policies DC2, DC33, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

None

### **Legal Implications and risks:**

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

### **Human Resource Implications:**

None

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

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

## BACKGROUND PAPERS

1. Application forms and plans received 26<sup>th</sup> September 2013.

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# REGULATORY SERVICES COMMITTEE

19 December 2013

# REPORT

**Subject Heading:**

**P1175.13 – 69 Units 59, 61, 63-66, 68  
and 70 Warwick Road, Rainham**

**The variation of Condition 6 of  
planning approval P1210.12  
(accordance with plans) - demolition of  
existing buildings and the  
redevelopment of the site to provide 16  
residential units with associated  
infrastructure and landscaping  
(Application received 15 October 2013)**

**Report Author and contact details:**

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

**Policy context:**

**Local Development Framework  
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	[ ]
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

**Call in:** Councillor David Durant has called in the application on the grounds that this application reduces amenity space and appears to be an overdevelopment of the application site.

This planning application relates to a variation of condition 6 to planning approval P1210.12 involving the replacement of the existing plans with a minor material amendment to the scheme for the demolition of the existing industrial buildings and a residential development of 16 residential units comprising 12 houses and 4 flats with a new road access and associated landscaping. The planning issues include the principle of development, design and street scene impact, parking and highway matters, amenity issues, trees, sustainability and affordable housing and planning obligations. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 of the Section 106 Agreement dated 18 September 2013 attached to planning approval P1210.12.

## RECOMMENDATIONS

That it be noted that 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 a combined internal gross floor area for the dwellings of 1,703m<sup>2</sup> minus the existing floor area to be demolished of 1,946m<sup>2</sup>, which equates to a total area of less than 0m<sup>2</sup> and a Mayoral CIL payment is not therefore required.

-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 in 18 September 2013 in respect of planning permission P1210.12 by varying the definition of Planning Permission which shall mean either planning permission P1210.13 as originally granted or planning permission P1175.13.

Save for the variation set out above and necessary consequential amendments required by the Assistant Chief Executive Legal and Democratic Services (Acting) the Section 106 agreement dated 18 September 2013 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 18 September 2013 will remain unchanged.

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



- A financial contribution of £96,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

To pay the Council's reasonable legal costs in association with the preparation of a legal agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;

- Payment of the appropriate planning obligation/s monitoring fee.

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

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

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

2) Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete 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) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made as shown on the approved plans Drawing No. 206B and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

Reason:-

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

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

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

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

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

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

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

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

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

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

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

14) Ground Contamination: 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 as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing 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 protect those engaged in construction and occupation of the development from potential contamination.

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

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

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

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

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

Reason: To prevent noise nuisance to adjoining properties.

18) Sustainable Homes Rating: No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

19) Renewable Energy System: The renewable energy 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.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

20) Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason: In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

21) Archaeological work: No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to comply with the requirements of Policy DC67 of the LDF Development Control Policies Development Plan Document.

22) Protection of trees during development: The scheme for the trees adjacent to the northern boundary of the application site as contained in the submitted document Tree Amenity Development Constraints agreed in writing by the Local Planning Authority shall be implemented in accordance with the approved details. Such agreed measures to protect the trees to be retained shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees to be retained on/ adjoining the application site.

23) Visibility splays: The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of

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

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

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

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

25) Existing and proposed levels: Before the development commences, details of existing and proposed levels shall be submitted to the Local Planning Authority. Once approved in writing, the proposed levels shall be implemented in accordance with the details submitted

Reason: To ensure that the development does not raise any significant material concerns in accordance with Policies in the LDF.

## **INFORMATIVES**

### 1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC32, DC33, DC34, DC35, DC36, DC40, DC50, DC51, DC55, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 3.3, 3.4, 3.5, 3.7, 3.8, 3.11, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 8.3 of the London Plan and Sections 6 and 7 of the National Planning Policy Framework (NPPF).

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97 per request (or £28 where the related permission was for extending or altering a dwellinghouse) is needed.

### 2. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure

Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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



9. 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 located to the southern side of Warwick Road at its cul-de-sac western end. The site comprises a number of two-storey (or high ceiling industrial units) currently in use for various industrial uses within Use Classes B2/B1, although at the site visit it was noted that some buildings appear vacant. There is unmarked parking to the front/side of each building, mainly adjoining the driveway access.
- 1.2 To the south of the application site is another industrial area (Imperial Trading Estate) with commercial development to the west. Otherwise the area is mainly residential development including three-storey town houses to the north and 2-storey residential accommodation along Warwick Road to the east and to the north-west (Westlyn Close) with a few properties accessing/fronting onto New Road to the south and south-west. To the east behind the frontage development and the associated rear gardens is a row of garages/lock-ups accessed from Warwick Road.

### **2. Description of Proposal**

- 2.1 The application seeks the variation of condition 6 (accordance with plans) to submit a minor material amendment to the approved scheme. Specifically the changes do not alter the number of dwellings (16), number of parking spaces (29) or alignment of the proposed access road. The proposal would continue to include the demolition of the existing buildings on the site and their replacement with 12 houses and 4 flats. The new spine road would, as previously, be constructed north to south within the application site with entry and exit onto Warwick Road at the north-east using the existing main access into the industrial site.
- 2.2 The proposal would continue to comprise 1 no. one bedroom flat, 2x 2-bed flats and 1x3-bed flat and 4 x 3-bed houses and 8x4-bed houses. The development would provide parking at surface level with two spaces each for the houses and 5 spaces for the 4 flats, as previously.
- 2.3 The proposed houses would be provided as a semi-detached pair of houses located to the south-eastern corner and another semi-detached pair located adjacent to No.57 Warwick Road (as previously) with the flatted block, as previously, would be located to Warwick Road at the corner with the new spine road. One of the main changes to the scheme is that instead of two

- 4x4-bed house terraces to the west of the proposed spine road the amendment would provide these new properties as 4 sets of semi-detached pairs.
- 2.4 The proposed flatted block would continue to be L-shaped but would have maximum measurements of 11.25m wide and 14.6m deep (previously, 11.6m wide and 14.8m deep) with pitched, gabled roofs with ridge height of approximately 10.4m (previously 9.45m) above ground level. The block would be set back further away from the road than previously approved. There would be two dormers to the front elevation, either side of a central gable. The two ground floor flats would have a private patio area each with the first floor flats each having a balcony to the rear with side screening. The roof level unit would have access to a balcony (previously did not) and there is in addition a communal garden area of 50 sq.m (previously 58 sq.m) where cycle storage is also located.
- 2.5 The approved terrace blocks: 24.5m long and 7m wide with pitched roof ridge height of 10.1m and 31.6m wide, 8.2m deep and with gabled end elevations with a ridge height at approximately 9m above ground level, would be replaced by semi-detached houses set back deeper into the site. The houses would be similar to the other semi-detached pairs within the proposed amended scheme and each pair is either a maximum of 13.75m wide and 8.3m deep and 9.75m high or 12.95m wide by 5.55m deep and 9.35m to the ridge both sizes with accommodation in the roofspace with velux roof lights. There would be 2 parking spaces for each house, (previously one provided as an integral garage). Garden sizes for these properties would range from 73.5 sq.m to 95.6 which replace the approved terraces with their approximately 85 sq.m amenity spaces each.
- 2.6 The pair of semi-detached houses to the south-east of the application site would be 11.45m wide (previously 11.4m wide), 9.9m deep (previously 9.5m deep) with front and rear gables with a maximum ridge height of 10m above ground level (previously 9.87m above ground level) with a central valley. They would be altered slightly in terms of their orientation so that they would have a more oblique aspect to the new access road. There would be accommodation on three floors (partly within the roof space). Unlike previously there would be no Juliette balconies/balconies to the first floor and roof level to the rear elevation. The proposed gardens would be at least 88 sq.m (previously 60 sq.m each).
- 2.8 The pair of semi-detached houses to Warwick Road would be located between the adjoining property at No.57 Warwick Road and the proposed new flatted block. They would be set back further into the site than previously. This building would have exactly the same dimensions as the other pair of semi-detached houses to the south eastern corner of the application site (see above). The garden areas would be 71 sq.m/90 s.m.
- 2.9 The current application is for a variation of a condition relating to P1210.12 and previous documentation remains relevant including a Three Dragons Viability Assessment has been submitted which indicates that the proposal

is not viable if affordable housing, a CIL payment and a Planning Obligations payment is required. The validity of this is explored below.

- 2.10 Other documentation submitted with the application is as follows: Transport Statement, Tree Survey and Arboricultural Reports, Archaeological Assessment, Contamination Assessment, Energy Report, Code for Sustainable Homes Report, Acoustic Survey, Ecological Survey and Planning Statement together with the Design and Access Statement.

### **3. Relevant History**

- 3.1 Q0232.13 – Application for discharge of conditions 5, 8 11, 15, 17, 18 & 19 of P1210.12 – under consideration

P1210.12 - The demolition of existing buildings and the redevelopment of the site to provide 16 residential units with associated infrastructure and landscaping – approved 19-09-2013

P0049.05 – erection of 24 units – withdrawn

P0060.08 (with Cap Brun and Woodside, New Road) – erection of 9 buildings providing 2 studio flats, 16 one-bed flats, 81 two-bed flats and 6 four-bed houses - Refused 2/5/08

P1488.06 (59 only) erection of 9 flats (outline) – refused 6/10/06

- 3.2 P0164.11 (59-61 only) – change of use to B2 (general industry) – refused 1/4/11; subsequent appeal dismissed 18/11/2011.

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

- 4.1 Notification letters were sent to 63 neighbouring properties, a site notice was posted and a press notice was placed in a local paper. There was one letter objecting to the scheme on the grounds that the proposed car ports would be lost resulting in all vehicles being parked on the street and there is insufficient parking for the size of the houses/flats and there is no visitor parking; the parking situation is compounded because at 48 Warwick Road there are no visitor's parking spaces; plans should not be allowed to change without any consideration to the existing residents; the replacement of the factories is to be welcomed but not if this results in parking havoc.

- 4.2 The Council's Environmental Health Service previously requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.

- 4.3 The Highway Authority has no objection to the proposals as parking meets the required standard. The road would not be adoptable, nonetheless conditions are required relating to the proposed connection to the public highway.

- 4.4 The Borough Crime Prevention Design Advisor has asked for a secured by Design condition is attached to any grant of planning permission.
- 4.5 English Heritage previously requested a condition securing the implementation of a programme of archaeological works.
- 4.6 Thames Water indicate that they have no comments
- 4.7 The London Fire and Emergency Planning Authority previously indicated that the Fire Brigade is satisfied with the proposed from both an access and water provision basis.

## **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC53 (land contamination), DC55 (noise), DC61 (urban design), DC63 (crime), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies: 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential Developments), 3.8 (Housing Choice), 3.11 (Affordable Housing Targets), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.3 (Community Infrastructure Levy) of the London Plan (2011) (as amended 2013) and the Mayor's Supplementary Planning Document on Residential Design (November 2012).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff Comments**

- 6.1 The principle of the redevelopment of the site for residential development was previously considered to accord with the NPPF, The London Plan and Policy CP1 (additional housing) and DC11 (non-designated employment land) of the LDF. This remains the case for this scheme for a minor material amendment. As the proposal is to substitute new plans in exchange for the approved ones, the main issues to be considered are the size of

development, site layout and amenity space, design/street scene issues, amenity implications, trees, sustainability, parking and highways issues and planning obligations.

## 6.2 *Size of Development*

6.2.1 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks (reiterated in the SPD) should incorporate minimum space standards. The Mayor has set these at 74m<sup>2</sup> for a 3 bed 4-person flat, 61m<sup>2</sup> for a 2-bed 3-person flat and 50m<sup>2</sup> for a 1-bed 2-person flat. The proposed flats would be in line with these minimum guidelines and are considered acceptable.

6.2.2 For the three-bed houses the Mayor has set the minimum internal space standards at 87m<sup>2</sup> for a 4-person dwelling and 96m<sup>2</sup> for a 5-person dwelling and for 4 bed dwellings, 100m<sup>2</sup> for 5 people and 102m<sup>2</sup> for 6 people. The proposed dwellings are in line with these minimum guidelines and considered acceptable.

6.2.3 As the site has a history of commercial use and the Contaminated Land Report submitted by the applicant confirms, land contamination is present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with by the attachment of a suitable condition.

## 6.3 *Density and Site Layout*

6.3.1 The application site is ranked as being within a low Public Transport Accessibility Level Zone (PTAL 1-2), with the density range of 30-50 units per hectare. The proposal would not alter the number of units at 16 units on the 0.3ha site such that the density remains the same at 54 units per hectare. This remains above the recommended density range but was previously considered to be acceptable.

6.3.2 In terms of site layout, the proposed amendment represents no change to the overall layout which would provide a new spine road with houses fronting onto this, flats at the new corner and two properties fronting onto Warwick Road. However, the properties have been set back deeper into the site, further from the road/proposed access road, which enables more landscaping to be provided to the front of the buildings. The SPD on Residential Design indicates that gardens to houses should be of a reasonable size to enable day-to-day use and that flats should be provided with a minimum of a balcony although outdoor shared communal space is welcome. Staff consider that the proposed amended gardens/amenity space would meet the qualitative guidance contained in the SPD and that the development would have a reasonably spacious setting.

6.3.3 As previously it is proposed to provide units to Lifetime Homes standards with one flat and one house capable of adaptation to wheelchair accessible standards in order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes.

#### 6.4 *Design and Visual Impact in the Streetscene*

6.4.1 The proposed amendments would result in changes to the height, width and depth of the buildings and some changes to both design and window locations. Staff consider that the changes are minor, although material, but would not result in any significant change to the visual impact of the approved scheme in relation to visual amenity in Warwick Road and that this scheme would similarly satisfactorily integrate into the existing street scene.

6.4.2 The proposal would change the approved terraces to the west of the site into pairs of semi-detached houses. Staff consider that the spine road development would remain visually acceptable and that the new streetscene which is created would not appear cramped and that the proposed flatted block would not over-dominate or be visually intrusive on this part of the application site. The development of two-storey accommodation, some with roof level accommodation (including in the flatted block) would, Staff consider, remain in character with the mixed residential development to this part of Warwick Road.

6.4.3 It is again the case that the scheme would have a limited variation in that it would be of the same palate of external materials; nonetheless these are traditional materials and this would be in character with existing development in Warwick Road where there are predominantly traditional external materials.

#### 6.5 *Impact on Residential Amenity*

6.5.1 The nearest residential properties are 57 Warwick Road, other properties in Warwick Road and Westlyn Close together with those recently approved at Lambs Lane North to the south-west of the application site.

6.5.2 The nearest part of the development in relation to No.57 Warwick Road is the proposed adjoining semi-detached pair. The nearest proposed property would be located a minimum distance of 2.6m (previously 2m) from the shared boundary, have a set back which is slightly deeper than the existing property to accommodate a full car parking space depth and extend on two floors to 3.7m (as previously) beyond the rear elevation of No.57 Warwick Road. It would be 0.2m higher than the existing property. In terms of bulk, visual impact and impact on light, the proposed property would not, in Staff's view result in significant harm to the residential amenity of this existing occupier.

6.5.3 The nearest part of the proposed development to the 3-storey town houses at the end of Warwick Road would be 19.25m (previously 18.3m) from the side elevation of the nearest semi-detached and 35m (previously 32m) from

the proposed flatted block. Staff consider that as this would be a front-to-front or front to side relationship with obscure windows such that there would be no loss of residential amenity to these current occupiers from the proposed development.

- 6.5.4 The nearest part of the development to No.13 Westlyn Close is the rear elevation of the northernmost semi-detached property which would be located 24m (previously 25.4m) from the rear corner of this existing property. At this distance and given the oblique angles it is not considered that there would be any loss of privacy to this occupier. In relation to No.12 Westlyn Close, which would be 16.6m (previously 16.9m) from the rear elevation of the nearest proposed property, Staff consider that while the new property would have a back to back relationship, that at this distance, and given the oblique angle involved, that there would be no undue loss of residential amenity to this occupier.
- 6.5.5 The proposed balconies in the flatted block would need to have screening glazing to the flanks. While occupiers could lean over the railings and look across to the garden of No.57 Warwick Road, at a distance of a minimum of nearly 14.2m and at an oblique angle, only the rear part of garden areas to the east could be viewed from any of the rear balconies. Similarly, the semi-detached pair to the south of the application would have windows facing eastwards, nonetheless at a minimum distance of 24.25m (previously 25.75m), only the rear garden would be overlooked to any degree which is commonplace in the Borough where roads are at right angles to another road. There are no proposed windows to the flank elevations of the buildings. Staff therefore consider that the amenities of the occupiers at No.57 Warwick Gardens would not be so significantly affected by the proposal as to refuse the scheme.
- 6.5.6 The flats' balconies would be located at least 14m away from No.57 Warwick Road. While occupiers of flats may choose to sit out and some noise may occur as a result, given that there would be two intervening family-houses noise levels of a smaller flatted unit may not be as great as during the ordinary use of a domestic garden. Staff therefore consider that the provision of balconies of themselves would not lead to greater noise levels to the degree that this would be considered harmful to existing residential amenity.
- 6.5.7 The recently approved scheme at Lambs Lane North would have two houses which would back directly onto the application site such that they would be close to the property proposed in the south-western corner. It is considered that at a distance away of 13.2m (previously 13.6m) and given that the properties would be at right-angles to each other that there would be an acceptable level of amenity for both sets of new occupiers.
- 6.5.8 Anyone purchasing properties at this former industrial site would be aware that there are other industrial sites in close proximity. People choosing to buy would therefore be in a "buyer beware" position and should take this into account before deciding whether to purchase. It can be reasonably

assumed that commercial noise and activity would be higher than in a purely residential area.

## 6.6 *Sustainability/Renewables*

6.6.1 The proposed development is considered capable of gaining Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. A suitably-worded condition would look to ensure the development attains this standard.

6.6.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO2 emissions is met.

## 6.7 *Highways / Parking Issues*

6.7.1 Access into the site would be formed from the end of Warwick Road where it currently enters the industrial site (as previously). The new spine road would be formed with footpaths to either side and vehicular crossovers to each parking area within the curtilage of each building/property. Highways confirm that the width of the access road is below adoptable standards but that they have no objection to this. The Fire Brigade has written to advise that it has no objections to the scheme in part because a turning area for larger vehicles would be provided within the application site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.

6.7.2 The development proposes a total of 29 parking spaces, a previously, which is a ratio of 1.8 spaces per unit. The application site is located in a low PTAL area (PTAL 1-2) where the expected parking provision range is 1.5-2 spaces per unit. In view of this, the proposed parking provision is considered to be within the acceptable range and would accord with the density matrix in Policy DC2.

6.7.3 The proposal includes cycle storage provision for the flats and cycle storage could be provided in sheds in the private gardens of the proposed houses. This would accord with Policy DC36 and would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site, that the parking provision is acceptable.

6.7.4 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures for the flats and bin storage for the houses which



staff consider would allow convenient kerb side collection. A condition requiring further details in this respect could be imposed.

## **6.8 Affordable Housing**

6.8.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has previously provided a financial appraisal which in the applicant's view justifies the provision of 0% affordable housing within the scheme. The Council's Housing department confirmed that for reasons of viability, the proposal cannot make any contribution towards affordable housing and that, in this case, this is acceptable.

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

6.9.1 The proposal would result in a reduction in total floor space at the application site and therefore is not liable for the Mayoral CIL.

## **6.10 Planning Obligations**

6.10.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £96,000.

## **6.11 Trees**

6.11.1 There are a number of trees at the northern end of the application site. Since these lie outside the application boundary, they would be retained and a suitable condition is required to ensure that they are not harmed during the construction phase of the development

## **6.12 Other Issues**

6.12.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions and an informative requested by the Metropolitan Police Designing Out Crime Officer.

## **7. Conclusion**

7.1 In conclusion, residential development on the site was previously considered to be acceptable in principle and would result in the removal of an existing commercial use. The proposal is for a variation of condition to enable some relatively minor amendments to the scheme. The proposal would continue to provide 16 dwellings and 29 parking spaces with suitable levels of amenity space for both houses and flats. Staff consider that the

current scheme would be acceptable in terms of scale, form, massing and visual impact. Staff are also of the view that the proposed amendment would have an acceptable relationship with adjoining properties. The development is also considered to be acceptable in respect of general highway issues and in all other respects. It is recommended that planning permission be granted, subject to a financial contribution towards infrastructure costs.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a deed of variation of the legal agreement attached to P1210.12.

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

Legal resources will be required to prepare and complete the deed of variation of the legal agreement attached to P1210.12.

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

None.

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

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

## **BACKGROUND PAPERS**

Application forms and plans received on 15th October 2013.

# REGULATORY SERVICES COMMITTEE

# REPORT

19 December 2013

**Subject Heading:**

P1295.13 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 23/10/2013)

**Proposal**

The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4A of the former Harold Wood Hospital, for the development of 55 residential dwellings, plus associated infrastructure, open space and car parking.

**Report Author and contact details:**

Simon Thelwell (Projects and Regulation Manager) 01708 432685

**Policy context**

Local Development Framework  
London Plan  
National Planning Policy Framework

**Financial summary**

None

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

- Ensuring a clean, safe and green borough [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 [X]
- Delivering high customer satisfaction and a stable council tax [X]

## **SUMMARY**

Members will recall that the Committee resolved to grant outline planning permission for the redevelopment of the former Harold Wood Hospital site at its meeting of 28 October 2010 subject to the prior agreement of a S106 legal agreement. Members have previously considered full applications for the construction of the spine road and Phases 1a and 1b and reserved matters applications for Phase 3a, 3b and 5 of the residential development. This reserved matters application is for the next phase of development, Phase 4a which proposes 55 dwellings, plus associated infrastructure, open space and car parking.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. The development is further considered to be acceptable in all other respects.

It is concluded that the reserved matters application should be approved.

## **RECOMMENDATIONS**

That the Committee resolve that reserved matters permission be granted subject to the following condition:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications as listed above on 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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 space within the garages hereby permitted for the detached houses shall be made permanently available for the parking of private motor vehicles at all times and shall not be used as living accommodation 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:-

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class B or F, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

## INFORMATIVES

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

## REPORT DETAIL

### 1.0 Site Description

- 1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.
- 1.2 The hospital site is of irregular shape and covers an overall area of approximately 14.58 hectares, including the retained uses. This application relates to an area of 1.78 hectares in a roughly central area of the site. The site is bordered on three sides by the wider redevelopment site, with the site

of Phases 5, 3a and 4b to the south west, north west and north east respectively. The only external boundary is with the railway cutting to the south east.

- 1.3 The former hospital buildings on the site have now been demolished. There are several existing trees within the site which are the subject of a Tree Preservation Order which are to be retained.
- 1.4 Vehicular access to the site will be from the newly constructed spine road granted full planning permission under P1703.10 which will link the site to Gubbins Lane to the west.

## 2.0 **Description of Proposal:**

- 2.1 The proposal is a reserved matters application for siting, design, external appearance and landscaping pursuant to outline planning permission P0702.08 in relation to Phase 4a of the redevelopment of the former Harold Wood Hospital site. This would consist of 55 dwellings with one apartment block P providing 8 no. 1 bedroom flats and 10 no. 2 bedroom flats plus 26 No. 3 bedroom semi-detached and 11No. 4 bedroom detached houses, all as private housing.

### **Siting and Scale**

- 2.2 Block P is proposed as a 4 storey block to a maximum height of 13.8m with a depth of 14.5m and a 30m long elevation facing onto the eastern side of the main area of public open space but with a row of preserved Willow trees immediately in front of it. The block would have an angled alignment to the railway line boundary.
- 2.3 The housing would comprise of detached and semi-detached three storey houses fronting onto the main central public open space. Two wheelchair accessible houses are proposed.

### **Access and Parking**

- 2.4 Access into the site would be at two new points from the south east side of the Spine Road with provision at the eastern end of the site for the road to link into future Phase 4b of the redevelopment.
- 2.5 A total of 78 parking residents / visitor spaces would be provided in the form of on plot and garage parking for the houses and a mixture of undercroft and perpendicular on-street parking for Block P giving an overall parking ratio of 1.4 spaces per unit for the phase. The detached houses would be provided with 3 spaces (two in tandem within a garage) per unit, 1 on plot space for the semi-detached houses and 19 spaces for the 18 apartments. This would include 5 wheelchair spaces to serve the 5 wheelchair / wheelchair adaptable units. A minimum of one cycle storage space per unit would be provided either by way of secure communal ground floor areas within the Block P, or within front garden bike stores or garages for the housing.

## **Design and External Appearance**

- 2.6 Block P would provide 18 units comprising of 8 no. 1 bedroom, 10 no. 2 bedroom units of which the 3 no. ground floor units would be wheelchair accessible. The wheelchair accessible ground floor units would all be externally accessible either from the spine road or the rear access road. All ground floor units would be provided with their own semi-private terrace, with each apartment on other floors having its own balcony.
- 2.7 The design approach for Block P responds to the location at the eastern end of the proposed central open space with a frontage which incorporates two columns of balconies in the main frontage, a framed column of balconies at its southern end and a striking contrast of white render to the northern half, red brick to the southern half and dark brick to the ground floor. The main entrance is located at the northern end, identified on the front elevation by a full height vertical element of coloured glazing. The northern façade would be highlighted in white render and is angled in both plan and elevation punctuated with a staggered array of windows to bring light into the communal corridor and staircase. The façade would be a key elevation and visible from the adjacent phases to the north east, whilst much of the western façade would be obscured by a row of Willow trees to be retained within the central open space. The materials to be used would be drawn from a palette of materials that follow the theme established by previous approved phases of the redevelopment including white render, red and dark grey brick, grey cladding and glass balustrades.
- 2.8 The houses in Phase 4a would flank the main central open space of the overall development and would comprise detached and semi-detached houses. On the southern side 5 no. detached properties would be flanked on either side by 3 pairs of semi-detached houses. On the northern side 6 no detached properties would be flanked on either side by 3 pairs of semi-detached house to the west and 4 pairs if semi-detached houses to the east. The detached houses would incorporate a distinctive extruded front gable and a second floor side roof terrace. Alternating front gables are clad in dark timber and white render, with the main brick being the yellow stock used extensively throughout the rest of the development. The semi-detached houses are similar in design to house type 5.1 within Phase 1b with an open front gable, second floor front balcony with yellow brick, timber cladding and white render the predominant materials.

## **Landscaping and Amenity Space**

- 2.9 The application includes detailed proposals for the hard and soft landscaping, including retained trees, which are intended to fulfil the requirements of the relevant conditions of the outline permission for this phase of the development. This includes the largest area of public open space with an area of 6,706m<sup>2</sup> which will incorporate a Local Equipped Area of Play (LEAP). An ornamental hedge is proposed on the northern and southern side of the central open space, with regularly spaced tree planting

along its length and in front and rear gardens. The south eastern boundary of this part of the site is defined as an ecological corridor and would be supplemented by additional native planting. Various biodiversity measures including bird and bat boxes, wildflower planting and log piles are shown to be incorporated into the development. Details of all surface treatments are also included.

- 2.10 The gardens to the houses vary in depth from 8m to 10m and in width from 5.7m to 9.6m. Blocks P units would be provided with semi-private terraces or balconies.

### 3. **Relevant History**

P0704.01 - Residential development (Outline) - Resolved by Committee to be approved subject to the prior completion of a Section 106 Agreement. (10.56ha site similar to the current application site)

P0141.06 - Residential development of up to 480 dwellings (outline) – Refused (appeal withdrawn)

P1232.06 – Residential development of up to 423 dwellings (outline) – Approved

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

P1703.10 - Construction of Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital - Approved

P0230.11 - Construction of Phase B of a Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital – Approved

P0004.11 - Phase 1A of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping – Approved

D0122.11 - Demolition of the former Harold Wood Hospital, Gubbins Lane.- Prior Approval Granted

P1002.11 - Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping – Approved

P0243.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning



permission P0702.08 for Phase 3B of the former Harold Wood Hospital, for the development of 74 residential apartments, plus associated infrastructure and car parking – Approved

P0412.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 5 of the former Harold Wood Hospital, for the development of 105 dwellings, plus associated infrastructure and car parking.– Approved

P0346.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3A of the former Harold Wood Hospital, for the development of 144 residential dwellings, plus associated infrastructure and car parking. - Approved

#### 4. **Consultations and Representations:**

4.1 Consultees and 96 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press.

4.2 No letters of representation have been received.

#### **Consultee Responses**

***Borough Designing Out Crime Advisor*** – Advises that there have been pre-application discussions and that the application shows that crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes of Safer Places as required by DC63.. A number of detailed design points and considerations are highlighted.

***Environment Agency*** – Require further information to demonstrate that the proposed drainage scheme is compliant with the outline permission but are satisfied that this can be dealt with under the discharge of conditions imposed on the outline permission in relation to this phase.

***LFEPA*** – No objections.

***London Fire Brigade*** – Advise of the need for two fire hydrants to be located within the footpath at the eastern end of both access roads.

***Natural England*** – No objection. The Council's obligation to assess and consider the possible impacts arising from the development and to seek biodiversity enhancement is reiterated.

***Thames Water*** - no observations.

***Essex and Suffolk Water*** – No objections

## **Streetcare – No objections**

### **5 Relevant Policies**

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP15 (Environmental Management) and CP17 (Design) of the Local Development Framework Core Strategy are considered relevant.
- 5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees), DC61 (Urban Design), DC63 (Delivering Safer Places), of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.
- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) plus any amendments to these policies arising from the October 2013 Revised Early Amendments, are considered to apply. There is also a range of Supplementary Planning Guidance to the London Plan, including 'Providing for Children and Young People's Play and Informal Recreation' that are considered to be relevant.
- 5.5 The National Planning Policy Framework is a further material consideration.

### **6.0 Planning Considerations**

- 6.0.1 The principle of the residential redevelopment of the Harold Wood Hospital sites has been established by the outline planning permission P0702.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology and ecology have all previously been considered by the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.
- 6.0.2 This is the sixth application for full permission or reserved matters approval which has been submitted and if approved, would bring the total number of units with detailed permission to 481 representing 59% of the total 810 units for which planning permission was granted.
- 6.0.3 The main issues arising from this application for reserved matters approval are therefore considered to be the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; housing density, tenure and design, site layout including proposals for hard and soft landscaping of the site, massing and street scene implications, impact upon residential amenity, highways, parking and accessibility and sustainability.

## **6.1 Principle of Development**

- 6.1.1 The outline planning application was submitted with an indicative masterplan and a number of development parameters and parameter plans as the means by which the design concepts for the redevelopment of the site would be translated into a framework for the future submission of reserved matters. The parameter plans showed the land uses, development, landscape strategy, access and movement, density and building height across the site to demonstrate how new development will work within the site and how it would relate to neighbouring development. The illustrative masterplan demonstrated one way in which this could be translated and forms the basis on which this reserved matters application has been submitted.
- 6.1.2 The outline permission included a condition (Condition 7) which required that the development should be carried out in accordance with the parameter plans and in general accordance with the corresponding strategies within the Design and Access Statement and other documents. The condition also states that any deviation from these can only be made if it is agreed by the local Planning Authority that such deviation would not give rise to any adverse environmental effects which would have otherwise required mitigation. The parameters therefore act as a check to ensure that reserved matters follow principles established by the outline permission and a benchmark against which to assess subsequent reserved matters submissions.

## **6.2 Density, Siting and Layout**

- 6.2.1 The overall density approved in principle at Outline stage provided for an average of 64 dwellings per hectare (dph) across the whole development

site. The density was designed to vary according to the location within the site to reflect the nature of surrounding development and the proximity to public transport. Phase 4a is located within Block B in the Density Strategy parameter plan where densities of 33 dph should apply. The number of units proposed in this phase is 55 on a site area of 1.78 hectares, which equates to a density of 31 dph and is therefore in accordance with the outline planning permission.

6.2.2 The approved Building Height Strategy Parameter Plan identified the site of Phase 4a as being predominantly 3 storey (9 to 12m in height) and part four storey (12 to 15m in height). The proposed layout does differ from the zones identified at outline stage in some small areas. Block P is located almost entirely within a four storey zone, although the terraces and balconies on the southern and eastern sides extend beyond the zone by 0.5m. The houses on plots 231 – 233 and part of 234 are located within a four storey zone and part of the house on plot 247 projects outside of any height zone. These changes can be attributed to the process of design evolution that each phase of the scheme goes through and raises no material issues.

6.2.3 No significant impacts will arise from these height zone variations which might require specific mitigation and staff are therefore satisfied that there is no conflict with the condition which requires the development to be carried out in accordance with the parameter plans and Condition 7 of the outline planning permission as set out in paragraph 6.1.2.

6.2.4 In terms of layout the scheme has been derived from a detailed testing of the illustrative layout used for the outline application. The scheme has been developed playing close attention to the site topography, movement and access desire lines, relationship to other parts of the redevelopment and neighbouring development, maximization of landscaping and the desire to minimize the impact of the parking and maximize the overlooking of any parking and open space.

6.2.5 The proposed housing will help create a strong sense of enclosure and provide natural surveillance for the central public open space. Block P will provide a counterbalance to Block N within Phase 3a at the opposite end of the open space. The housing layout forms conventional street blocks which together with Block N will complete the part of the site that surrounds the main central open space. Accordingly the proposed layout is considered to be acceptable.

### 6.3 **Design, Residential Quality and Open Space**

6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.

- 6.3.2 The design of Block P maximises the number of ground floor entrances which in combination with the traditional housing frontages onto the access roads either side of the open space will provide a functional and lively streetscene.
- 6.3.3 The design of Block P incorporate several design features that are recurrent with earlier phases, including the use of architectural framing, roof edge detailing, grouping of balconies, glass fronted stair cores, cladding and distinctive material changes. Staff are satisfied that they continue the theme and character established by the earlier approved phases and offer suitably distinctive and high quality architecture with attention to detail and context whilst creating an attractive place where people will want to live.
- 6.3.4 The scheme will provide accommodation built to Lifetime Homes requirements throughout and also incorporates five units which are designed to be wheelchair accessible from the outset. The development is therefore in accordance with Policy DC7.
- 6.3.5 The design of the Block P will offer acceptable levels of daylighting and sunlight for future occupants. Whilst there is no communal amenity area for the block staff are satisfied that this is adequately offset by the availability of balconies of a depth and area which comply with the guidance contained in the Residential Design SPD together with semi-private terraces at ground floor. In addition the immediate proximity of the central open space and the setting provided by the retained trees and the ecological corridor will enhance amenity for future residents.
- 6.3.6 The housing designs have been developed from those in earlier phases and has its frontages to the access roads that run either side of the main central public open space, which together with tree planting and landscaping will all help to frame the open space as a defining feature of the development. The three storey housing proposed is considered by staff to be of high architectural quality and individual character that will provide an attractive streetscene either side of the open space.
- 6.3.7 Rear garden areas for the houses are quite compact but provide sufficiently sized areas for private amenity purposes. This phase of the development incorporates the largest of the public open spaces in the development in accordance with the parameters plans which formed part of the outline consent. This will provide an attractive setting for the dwellings within the phase as well as an area for play, informal recreation and relaxation.

#### **6.4 Landscape Strategy and Biodiversity Enhancement**

- 6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. Areas of road and driveway are indicated in block paving with conservation kerbs used for all adoptable highways. A number of significant trees are to be retained within the open space with the roads and development kept clear of the tree root zone to ensure their

successful retention and integration into the development. Extensive planting of trees and shrubs within the open space, within rear gardens and along the new roads is proposed which will enhance the biodiversity potential of the site and provide an attractive street scene and setting for the development

- 6.4.2 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi- public and private areas of the site, defining the edges and giving structure to the public open space as well as providing an attractive feature in the street scene.
- 6.4.3 A Locally Equipped Area for Play (LEAP) within the public open space will ensure that this part of the development meets the play space requirements of the Mayors SPG.
- 6.4.4 As well as the planting of native trees and shrubs on the site the buildings will also incorporate integrated bird and bat boxes. This together with further ecological enhancement measures within other phases of the development adjacent to the railway SINC and the creation of “Green Links” to it would be in accordance with the parameters set for the development and in compliance with Policy DC59.

## **6.5 Impact on Adjoining Sites and Residential Amenity**

- 6.5.1 The site has no boundary with any established existing residential areas so issues relating to the impact on existing properties will not occur. The houses on the southern side of the site will achieve a back to back separation of between 18 – 25m to the rear of houses within Phase 5 of the development which staff consider to be sufficient to prevent unacceptable overlooking and loss of privacy within the development.
- 6.5.2 Block P is located well away from any other units within the development and no impact issues arise.

## **6.6 Transportation, Highways and Parking**

- 6.6.1 The scheme incorporates new access roads which are designed to an acceptable standard with adequate space for turning and servicing.
- 6.6.2 The level of parking would allow for an overall ratio of 1:1 for the apartments 3 spaces for each detached house and 1 space per unit for each semi-detached house. This level of car parking is considered to be acceptable.
- 6.6.3 The level of parking proposed within this phase is such that the overall level of parking provision, if this phase is approved, for the permitted phases would equate to a ratio of 1:1, which is the overall minimum level of parking that could reasonably be accepted. The parking requirement for the site as whole set out in Site Specific Policy SSA1 is expressed as a maximum rather than a minimum requirement i.e. a maximum of 1 – 1.5 spaces per unit. The parameters of the outline permission requires that the overall level

of provision on the site should fall within this range with a maximum of 1.5 spaces per unit.

- 6.6.4 Caution will be needed in dealing with future phases to ensure that an overall satisfactory level of parking is maintained. However, on the basis that both the overall level of parking and that for this individual phase are in accordance with SSA1 and the parameters of the outline permission, no objections are raised.
- 6.6.5 The parking is provided in a manner which does not unduly impinge upon the appearance of the development and will enable the provision of significant amounts of on street planting and landscaping. However, in order to ensure that the appearance of the development is maintained and that garage spaces are not lost it is recommended that conditions be imposed to restrict permitted development rights which would otherwise allow residents to remove landscaping to create further parking spaces or convert garages to living accommodation. All potential wheelchair adapted ground floor units and houses would have an identified parking space located either within curtilage or as close as is reasonably practical to the respective units.
- 6.6.6 In terms of overall impact upon the highway network the whole of this phase will be accessed from Gubbins Lane which served as the original access to the former hospital.

## 6.7 **Housing**

- 6.7.1 The proposed housing within phase 4a of the redevelopment would be developed entirely as private housing as the full quota of affordable housing required by the S106 on the basis of the current financial viability of the scheme has already been approved within earlier phases of the development. The housing offers family housing and smaller flats which in combination with the variety of flats and houses within other phases of the development will provide for the full range of housing need for the Borough in accordance with the policy requirements of Policy DC2 and the indicative mix identified in the outline scheme.

## 6.8 **Sustainability**

- 6.8.1 The outline permission included conditions requiring the installation of photovoltaic panels and renewable energy systems in accordance with the approved Energy Strategy. In addition to the energy efficiency measures to be employed in the buildings and in its construction, all dwellings will be provided with high efficiency condensing boilers. Additionally, Block P will have roof mounted photovoltaic panels to both assist in achieving the required Code level and to provide renewable energy for communal systems. All the dwellings within Phase 4a are proposed to be private and are therefore required to achieve Code for Sustainable Homes (Code) Level 3 as standard. The combination of efficiency improvements to reduce the carbon emissions of 4a plus the renewable energy to be provided means that an overall carbon saving of 32.9% over that required by the Building

Regulations 2006 will be achieved. Staff are satisfied that the combination of measures will be sufficient to satisfy the requirements of the conditions and the related policies that these stem from.

## 6.9 Conclusions

- 6.9.1 Having regard to the above it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.2 to 5.4.
- 6.9.2 Staff consider that this reserved matters application for the sixth phase (Phase 4a) of the redevelopment of the former Harold Wood Hospital site will continue to display the benchmark of the quality established by the previous phases, both in terms of the residential accommodation and environment. This is in line with the illustrative master plan and the Design and Access Statement for the outline application. The scheme promises to deliver a sustainable, safe and attractive development for new residents in a form that maintains the residential amenity of existing residents.
- 6.9.3 It is recommended that the reserved matters application for Phase 3a of the development be approved

## IMPLICATIONS AND RISKS

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

None arising.

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

None arising

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

There are no human resources and risks directly related to this report.

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

This phase of the development incorporates specifically designed accommodation for wheelchair users as well as meeting the requirement for all new dwellings to meet the Lifetime Homes standard. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

## 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.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

19 December, 2013

**Subject Heading:**

**P1430.13 – Land to the rear of No.179  
Cross Road, Romford**

**Residential development to provide 4 x  
3 bedroom houses. Demolition of the  
existing dwelling and garage to the  
front of the site. (Application received  
20<sup>th</sup> November 2013.)**

**Report Author and contact details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

This planning application proposes the demolition of an existing dwelling and the erection of a two storey terrace of four houses, on land to the rear of No.179 Cross Road, Romford. The proposal would include a parking area, private and communal amenity spaces, cycle storage, and bin refuse/recycling storage. The proposal is considered to be acceptable, having regard to the Development Plan and all other material considerations. Officers therefore recommend approval subject to conditions and the completion of a legal agreement.

## RECOMMENDATIONS

(A)

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £4,720. This is based on the creation of 236sqm of new gross internal floor space.

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

- The sum of £18,000 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 shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to no new and significant adverse comments being received prior to the expiration of the statutory consultation period, should material considerations be raised which were not considered by members prior to the expiry of the statutory consultation period the report with the additional material considerations be remitted back to the Regulatory Services Committee for further consideration, officers subject to the foregoing be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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

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

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

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

3. Before the building(s) hereby permitted are first occupied, the areas set aside for car parking shall be laid out in accordance with the approved plan, received on 10<sup>th</sup> December 2013 and referenced "PA-04", and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles associated with the proposal's future occupiers, 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. 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. 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. 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. 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. 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. No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

10. 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;
- i) wheel wash facilities to prevent mud and other debris being tracked into the public highway.

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. 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.

12. The building hereby permitted 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'.

13. 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.

14. The buildings shall not be occupied until the vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.



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

Or (B)

In the event that the Section 106 agreement is not signed and completed by the 15<sup>th</sup> January, 2014, that planning permission be refused on the grounds that the proposal does not make adequate arrangements for the provision of the necessary infrastructure costs arising from the development in accordance with the Planning Obligations SPD.

## **INFORMATIVES**

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. 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. Road Traffic Regulation Act 1984 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met> They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## Planning Obligations

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

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The site is a 0.1ha area of land comprising a two storey, pitch roofed, detached dwelling and its curtilage, at No. 179 Cross Road, Romford. The Site forms an L-shape with its northern and southern boundaries adjoining neighbouring residential properties; its western boundary lying adjacent to open fields, designated as Green Belt; and its eastern boundaries abutting neighbouring residential properties and the public highway.
- 1.2 The Site is located in a residential area, approximately two miles to the north west of Romford Town Centre, and to the south west of the district centre of Collier Row. The area is generally characterised by two-storey, pitch roofed dwellings, however, there are examples of other building types including post war and more recent flatted development. A number of similar, “back land” residential developments have been approved in the local area.

### **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of an existing, detached dwelling, and the provision of an access road off its southern elevation, allowing vehicular access to the rear curtilage. A new terrace of four houses would be constructed at the western end of the Site, in what is currently the rear curtilage of the existing dwelling.
- 2.2 The proposed dwellings would be two storeys in height, with pitched roofs, and first floor balconies to the rear. Private amenity spaces would be provided to the rear, or west, of the dwellings. A modest area of communal amenity space would be provided to the front of the proposed units, within the car park. The proposal would include a parking area with nine spaces, along with a bin storage area, cycle store, and landscaping.

### **3. Relevant History**

3.1 The following planning decisions are of particular relevance to the proposal:

P1480.12 - Residential development to provide 6 x 2 bedroom flats. Demolition of the existing dwelling and garage to the front of the site – Members resolved to refuse the application on 22<sup>nd</sup> February, 2013 for the following reasons:

- 1) *It is considered that the proposal would, by reason of its excessive bulk and intrusive impact in the rear garden scene, have a significant adverse impact on the outlook and amenity of neighbouring properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.*
- 2) *It is considered that the proposal would result in a harmful degree of noise and vehicular disturbance caused by traffic using the proposed access road. The proposal would therefore be detrimental to the amenity of neighbouring occupiers, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.*
- 3) *It is considered that the proposal would, by reason of its scale and bulk, result in a significantly harmful impact on the setting of the adjacent Green Belt, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the guidance contained in the National Planning Policy Framework.*

A subsequent appeal (Reference: APP/B5480/A/13/2197383) was dismissed by the Planning Inspectorate on the grounds that the use and movement of vehicles associated with six 2-bed flats would result in significant adverse impacts on the amenities of neighbouring occupiers.

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

4.1 Neighbour notification letters have been sent to 33 local addresses. No representations have been received, although no the public consultation period does not expire until 24<sup>th</sup> December, 2013. Members will be given an update during the committee meeting.

4.3 Comments have also been received from the following:

The Environment Agency

Consultation response discussed under Section 6.5 of this report. No objections.

Essex & Suffolk Water

No objections.

Thames Water

No objections.

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; conditions and informatives recommended.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

National Planning Policy Framework (“the NPPF”)

### **5.2 Regional Planning Policy**

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), 5.12 (flood risk management), 5.13 (sustainable drainage), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 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), and 8.2 (planning obligations).

### **5.3 Local Planning Policy**

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

In addition, the Residential Design Supplementary Planning Document (“the SPD”), 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 Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

## **6.3 Design Considerations**

6.3.1 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. The SPD contains guidance in relation to the design of residential development.

6.3.2 The site is located in a broadly residential area comprising a range of house types, including traditional, two storey, pitched roof dwellings, along with larger scale flatted development. The proposal would be conspicuous from the Green Belt, however, given that it would be set against the existing built-up form that is visible from the west, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt.

6.3.3 The application proposes a more traditional form of design and construction, employing a pitched roofed form and the use of brick and roof tiles for the exterior construction materials. The design of the proposal 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 proposed use of balconies in the rear elevation would not be visible within the street scene or from neighbouring residential properties. It is recommended that a condition be imposed requiring the approval of cladding materials.

6.3.4 Landscaping proposals have been submitted with the application indicating an acceptable mix of hard and soft landscaping throughout the site. Further details regarding the precise nature of hard landscaping materials and type, number and species of new planting should be required by condition. Conditions are also recommended requiring the approval of details relating to the proposed bicycle and refuse/recycling stores.

6.3.5 Given the nature of the proposal, including its appearance, layout, scale, massing, and design in relation to the surrounding area, it is considered that, subject to the afore mentioned conditions, 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 stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the

provision of adequate levels of amenity space for the future occupiers of new dwellings.

- 6.4.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance the proposed dwellings would each exceed the stipulated minimum standards and officers therefore consider that the proposal would provide an acceptable standard of living accommodation for future occupiers.
- 6.4.3 The proposed development would have a density of approximately 42 dwellings per hectare, which is within the density range of 30-50 units per hectare set out in Policy DC2 for this area. The proposed site density is not, in itself, considered to constitute a sufficient reason to consider a scheme to be unacceptable. The assessment should consider whether the proposal would represent an over development of the site, and to this end, consideration will be given to the adequacy of amenity space and parking provision in particular.
- 6.4.4 In terms of the site layout, it is considered that all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed units would each benefit from a private garden and a rear balcony. The proposal would also include communal amenity space at ground level, although this is unlikely to be used given its location within the car park, and the provision of private amenity spaces. It is considered that all of the proposed dwellings would benefit from acceptable amenity space provision, which accords with the aims of the SPD. The provision of parking spaces will be discussed later on in this report.
- 6.4.5 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distance between the proposed building and the nearest neighbouring properties, is approximately 21m in relation to the flats located to the north; 26m in relation to No.163 Cross Road, located to the south; and approximately 35m to 175 and 177 Cross Road, both of which are located to the east. These separation distances from neighbouring properties are considered sufficient to avoid any significant adverse impacts on residential amenity, in terms of overlooking, overshadowing, and loss of outlook.
- 6.4.6 The planning inspector who determined the afore mentioned appeal concluded that the previous proposal, for six units, would result in significant noise impacts to existing occupiers owing to the use of vehicles within the

parking area and at the site access. The Council's Environmental Health officers have, again, raised no objections to the proposal with conditions being recommended to control noise levels, which can be imposed should planning permission be granted. It is considered that the proposed number of units, which would be two less than the previous proposal, would result in a less intense use of the site than the scheme refused at appeal. Moreover, amendments to the submitted plans are being sought by officers to move the proposed access gate further into the site, increasing the distance between those vehicles entering the site and the windows of neighbouring properties. Members will be given an update about these changes.

- 6.4.7 Subject to the proposed amendments and conditions, given the separation distances between the proposal and neighbouring units, and the use of acoustic screen fencing, it is considered that the proposal would not give rise to significant adverse noise impacts on the amenities of neighbouring occupiers. Officers consider that in terms of the standard of accommodation and amenity space to be provided, and the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policies DC2 and DC61 of the LDF and guidance contained in the Residential Design SPD.

## **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.
- 6.5.2 The Environment Agency has raised no objections to the proposal. The SFRA is a material consideration and the Environment Agency have stated that it will be for the planning authority to decide whether the site should be considered as Flood Plain, in accordance with the SFRA, or as being in Flood Zones 1 and 2, as suggested by the Environment Agency's data. If the site is considered to be Flood Plain then the guidance contained in the NPPF indicates that the proposal should be refused. However, given that the Environment Agency, who are the Council's statutory consultee on flood risk matters, have undertaken more recent and detailed surveys, it is considered that the site's flood risk status should be considered as being low risk, that is, in Flood Zones 1 and 2.
- 6.5.3 As a small sliver of the site would be located in Flood Zone 2, it is necessary to sequentially test the proposal. The NPPF requires that development of this nature, in areas at higher risk of flooding, undergo a sequential test, aimed at directing development towards areas at the lowest possible risk of flooding. The Council's LDF has identified a shortage of housing within the borough and Policy CP1 recommends that outside town centres and the Green Belt, priority should be made on all non-specifically designated land for housing. As the site represents a clear area of readily developable land that is mostly in Flood Zone 1, and only partially on land at moderate risk of flooding, it is

considered unlikely that the proposal could take place in other areas of the borough that could so easily deliver the objectives of Policy CP1 and also be at significantly lower risk of flooding. Therefore, in terms of flood risk and drainage considerations, the proposal is considered to be acceptable.

## **6.6 Parking and Highway Issues**

- 6.6.1 The application proposes the creation of a new site access on land currently occupied by an existing dwelling.
- 6.6.2 The application proposes 6 car parking spaces. The proposed car parking provision would therefore equate to 1.5 spaces per dwelling. Cycle storage would also be provided.
- 6.6.3 The site has a PTAL rating of 1-2, which translates to a low level of public transport accessibility, however, the proposed level of parking provision is in accordance with Policy DC2 of the LDF, and the Council's Highway officers have raised no objections, subject to the use of conditions and informatives, which can be imposed should planning permission be granted.
- 6.6.4 It is recommended that a condition be imposed requiring the submission to and approval by the Local Planning Authority for a construction method statement detailing the areas where construction vehicles and plant will be parked. A condition is also recommended requiring the submission of details relating to cycle storage.
- 6.6.5 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**

- 6.8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The chargeable floorspace of the development once the demolition works are taken into account is approximately 236sqm, which equates to a Mayoral CIL payment of £4720.
- 6.8.2 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 £18,000 towards infrastructure costs, which based on the creation of four dwellings, less the existing property, which would be demolished. This payment should be secured by a legal agreement, and planning permission should not be granted until this agreement has been completed.

## **7. Conclusion**

- 7.1 Staff consider that the reduction in the number of units and commensurate reduction in vehicular movements, coupled with alterations to the position of the access gate and the use of high spec acoustic fencing are sufficient to



overcome the reason for refusal which was upheld on appeal. Accordingly, the proposal is considered to be acceptable having had regard to Policies CP1, DC2, DC32, DC33, DC34, DC36, DC40, DC49, DC53, DC55, DC61, DC63, and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and conditions.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

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

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

## **BACKGROUND PAPERS**

Planning application P1430.13, all submitted information and plans.

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